SENATE

THURSDAY, *May 1, 1930*

(Legislative day of Wednesday, April 30, 1930)

The Senate met at 12 o'clock meridian in open executive session, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 11635) to amend the radio act of 1927, approved February 23, 1927, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3249) to repeal section 4579 and amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen, with an amendment, in which it requested the concurrence of the Senate.

EXECUTIVE MESSAGES

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

NOMINATION OF JUDGE JOHN J. PARKER

The VICE PRESIDENT laid before the Senate a telegram from T. W. Bell, of Leavenworth, Kans., opposing the confirmation of Judge John J. Parker as an Associate Justice of the Supreme Court of the United States, which was ordered to lie on the table.

He also laid before the Senate a telegram from DeWitt T. Alcorn, C. M. Roulhas, L. G. Patterson, C. B. King, M. S. Stuart, H. J. Johnson, J. L. Campbell, A. D. Bell, G. W. Lee, J. A. Alcorn, S. W. Qualls, J. W. Hall, S. A. Owens, and A. T. Martin, of Memphis, Tenn., protesting "in the name of 60,000 colored people of Memphis," against the confirmation of Judge John J. Parker to be an Associate Justice of the Supreme Court of the United States, which was ordered to lie on the table.

Mr. SULLIVAN. I present a telegram in the nature of a petition from the president of the Wyoming State Bar Association, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram]

TORRINGTON, WYO., *May 1, 1930.*

Senator PATRICK J. SULLIVAN:

Regard attack on Judge Parker as a threat to the freedom of the judiciary. Earnestly hope you can vote for his confirmation.

ERLE H. REID,
President Wyoming State Bar Association.

PETITIONS

As in legislative session,

Mr. JONES presented a resolution adopted by the Port Commissioners of Port Angeles, Wash., favoring the passage of the so-called Jones bill, authorizing and providing for the establishment of foreign trade manufacturing zones within the limits of American ports, etc., which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Spokane and vicinity, in the State of Washington, praying for the passage of the so-called Capper-Robsion bill, to establish a Federal department of education, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES

As in legislative session,

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 872) to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington, reported it with an amendment and submitted a report (No. 582) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 612. A bill for the relief of Charles Parshall, Fort Peck Indian allottee, of the Fort Peck Reservation, Mont. (Rept. No. 585); and

S. 1533. A bill to authorize the Secretary of the Interior to extend the time for payment of charges due on Indian irrigation projects, and for other purposes (Rept. No. 586).

Mr. JOHNSON, from the Committee on Commerce, to which was referred the bill (H. R. 7405) to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries, reported it with amendments and submitted a report (No. 583) thereon.

Mr. WATERMAN, from the Committee on Claims, to which was referred the bill (S. 3088) to reimburse R. B. Miller and to repay him for overcharge in freight on manganese shipments paid by him to the United States Railroad Administration, reported it with amendments and submitted a report (No. 584) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 107) establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada, reported it without amendment and submitted a report (No. 587) thereon.

He also, from the Committee on Irrigation and Reclamation, to which was recommitted the bill (H. R. 8296) to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes," reported it with amendments and submitted a report (No. 588) thereon.

REPORT OF POSTAL NOMINATIONS

As in open executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

As in legislative session,

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 4329) granting an increase of pension to Mary Fitzpatrick (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4330) granting a pension to May E. Carsten; and

A bill (S. 4331) granting an increase of pension to Angelina C. Powell; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 4332) granting an increase of pension to Clara E. Chace (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4333) for the relief of Margaret B. Knapp; and

A bill (S. 4334) for the relief of G. Elias & Bro. (Inc.); to the Committee on Claims.

A bill (S. 4335) to fix the compensation of the assistant heads of the executive departments; to the Committee on Appropriations.

By Mr. ROBSION of Kentucky:

A joint resolution (S. J. Res. 172) authorizing the Director of the Bureau of Standards to investigate traffic conditions on streets and highways; to the Committee on Commerce.

AMENDMENTS TO RIVER AND HARBOR BILL

As in legislative session,

Mr. McNARY, Mr. RANSDELL, and Mr. SHEPPARD each submitted an amendment intended to be proposed by them, respectively, to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were severally referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL

As in legislative session,

Mr. ROBSION of Kentucky submitted an amendment proposing to increase the number of clerks at $3,180 each in the office of the Secretary of the Senate from three to four, intended to be proposed by him to the bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILL REFERRED

As in legislative session,

The bill (H. R. 11635) to amend the radio act of 1927, approved February 23, 1927, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

COMPENSATION OF VESSELS FOR TRANSPORTING SEAMEN

As in legislative session,

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3249) to amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen, which was to amend the title so as to read: "An act to repeal section 4579 and amend section 4578 of the Revised Statutes of

the United States respecting compensation of vessels for transporting seamen."

Mr. JOHNSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LIMITATION AND REDUCTION OF NAVAL ARMAMENT (S DOC. NO. 141)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

I transmit herewith a treaty for the limitation and reduction of naval armament, signed at London on April 22, 1930, by the plenipotentiaries of the President of the United States of America; the President of the French Republic; His Majesty the King of Great Britain, Ireland, and the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of Italy; and His Majesty the Emperor of Japan, to the ratification of which I ask the advice and consent of the Senate.

HERBERT HOOVER.

THE WHITE HOUSE,
Washington, May 1, 1930.

Mr. BORAH. I ask that the treaty be printed in the RECORD and referred to the Committee on Foreign Relations. A print was made the other day from a newspaper, but, as this is the official document, I ask that it be printed in the RECORD.

Mr. SWANSON. I suggest also that it be printed as a Senate document.

The VICE PRESIDENT. Without objection, the injunction of secrecy will be removed, and the pact will be printed in the RECORD and also as a document.

Mr. ROBINSON of Arkansas. It is proposed to refer the treaty?

Mr. BORAH. I asked to have it referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The message, with the accompanying paper and treaty, will be referred to the Committee on Foreign Relations, and will appear in the RECORD.

The accompanying letter from the Secretary of State, together with the treaty for limitation and reduction of naval armament, signed at London on April 22, 1930, follow:

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, to the end that it may be transmitted to the Senate with a view to receiving the advice and consent of that body to ratification, if his judgment approve thereof, a treaty for the limitation and reduction of naval armament, signed at London on April 22, 1930, by the plenipotentiaries of the President of the United States of America, the President of the French Republic, His Majesty the King of Great Britain, Ireland, and the British Dominions Beyond the Seas, Emperor of India, His Majesty the King of Italy, and His Majesty the Emperor of Japan.

Respectfully submitted.

HENRY L. STIMSON.

(Accompaniment: Treaty for the limitation and reduction of naval armament, signed at London, April 22, 1930.)

DEPARTMENT OF STATE,
Washington, April 30, 1930.

The President of the United States of America, the President of the French Republic, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy, and His Majesty the Emperor of Japan,

Desiring to prevent the dangers and reduce the burdens inherent in competitive armaments, and

Desiring to carry forward the work begun by the Washington Naval Conference and to facilitate the progressive realization of general limitation and reduction of armaments,

Have resolved to conclude a Treaty for the limitation and reduction of naval armament, and have accordingly appointed as their Plenipotentiaries:

The President of the United States of America:
Henry L. Stimson, Secretary of State;
Charles G. Dawes, Ambassador to the Court of St. James;
Charles Francis Adams, Secretary of the Navy;
Joseph T. Robinson, Senator from the State of Arkansas;
David A. Reed, Senator from the State of Pennsylvania;
Hugh Gibson, Ambassador to Belgium;
Dwight W. Morrow, Ambassador to Mexico;
The President of the French Republic:
Mr. André Tardieu, Deputy, President of the Council of Ministers, Minister of the Interior;
Mr. Aristide Briand, Deputy, Minister for Foreign Affairs;
Mr. Jacques-Louis Dumesnil, Deputy, Minister of Marine;
Mr. François Piétri, Deputy, Minister of the Colonies;
Mr. Aimé-Joseph de Fleuriau, Ambassador of the French Republic at the Court of St. James;
His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:
for Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:
The Right Honourable James Ramsay MacDonald, M. P., First Lord of His Treasury, Prime Minister;
The Right Honourable Arthur Henderson, M. P., His Principal Secretary of State for Foreign Affairs;
The Right Honourable Albert Victor Alexander, M. P., First Lord of His Admiralty;
The Right Honourable William Wedgwood Benn, D. S. O., D. F. C., M. P., His Principal Secretary of State for India;
for the Dominion of Canada:
Colonel The Honourable James Layton Ralston, C. M. G., D. S. O., K. C., a Member of His Privy Council for Canada, His Minister for National Defence;
The Honourable Philippe Roy, a Member of His Privy Council for Canada, His Envoy Extraordinary and Minister Plenipotentiary in France for the Dominion of Canada;
for the Commonwealth of Australia:
The Honourable James Edward Fenton, His Minister for Trade and Customs;
for the Dominion of New Zealand:
Thomas Mason Wilford, Esquire, K. C., High Commissioner for the Dominion of New Zealand in London;
for the Union of South Africa:
Charles Theodore te Water, Esquire, High Commissioner for the Union of South Africa in London;
for the Irish Free State:
Timothy Aloysius Smiddy, Esquire, High Commissioner for the Irish Free State in London;
for India:
Sir Atul Chandra Chatterjee, K. C. I. E., High Commissioner for India in London;
His Majesty the King of Italy:
The Honourable Dino Grandi, Deputy, His Minister Secretary of State for Foreign Affairs;
Admiral of Division The Honourable Giuseppe Sirianni, Senator of the Kingdom, His Minister Secretary of State for Marine;
Mr. Antonio Chiaramonte-Bordonaro, His Ambassador Extraordinary and Plenipotentiary at the Court of St. James;
Admiral The Honourable Baron Afredo Acton, Senator of the Kingdom;
His Majesty the Emperor of Japan:
Mr. Reijiro Wakatsuki, Member of the House of Peers;
Admiral Takeshi Takarabe, Minister for the Navy;
Mr. Tsuneo Matsudaira, His Ambassador Extraordinary and Plenipotentiary at the Court of St. James;
Mr. Matsuzo Nagai, His Ambassador Extraordinary and Plenipotentiary to His Majesty the King of the Belgians;

Who, having communicated to one another their full powers, found in good and due form, have agreed as follows:

PART I

ARTICLE 1

The High Contracting Parties agree not to exercise their rights to lay down the keels of capital ship replacement tonnage during the years 1931–1936 inclusive as provided in Chapter II, Part 3 of the Treaty for the Limitation of Naval Armament signed between them at Washington on the 6th February, 1922, and referred to in the present Treaty as the Washington Treaty.

This provision is without prejudice to the disposition relating to the replacement of ships accidentally lost or destroyed contained in Chapter II, Part 3, Section I, paragraph (c) of the said Treaty.

France and Italy may, however, build the replacement tonnage which they were entitled to lay down in 1927 and 1929 in accordance with the provisions of the said Treaty.

ARTICLE 2

1. The United States, the United Kingdom of Great Britain and Northern Ireland and Japan shall dispose of the following capital ships as provided in this Article:

United States:
"Florida".
"Utah".
"Arkansas" or "Wyoming".

United Kingdom:
"Benbow".
"Iron Duke".
"Marlborough".
"Emperor of India".
"Tiger".
Japan:
"Hiyei".

(a) Subject to the provisions of sub-paragraph (b), the above ships, unless converted to target use exclusively in accordance with Chapter II, Part 2, paragraph II (c) of the Washington Treaty, shall be scrapped in the following manner:

One of the ships to be scrapped by the United States, and two of those to be scrapped by the United Kingdom shall be rendered unfit for warlike service, in accordance with Chapter II, Part 2, paragraph III (b) of the Washington Treaty, within twelve months from the coming into force of the present Treaty. These ships shall be finally scrapped, in accordance with paragraph II (a) or (b) of the said Part 2, within twenty-four months from the said coming into force. In the case of the second of the ships to be scrapped by the United States, and of the third and fourth of the ships to be scrapped by the United Kingdom, the said periods shall be eighteen and thirty months respectively from the coming into force of the present Treaty.

(b) Of the ships to be disposed of under this Article, the following may be retained for training purposes:

by the United States: "Arkansas" or "Wyoming".
by the United Kingdom: "Iron Duke".
by Japan: "Hiyei".

These ships shall be reduced to the condition prescribed in Section V of Annex II to Part II of the present Treaty. The work of reducing these vessels to the required condition shall begin, in the case of the United States and the United Kingdom, within twelve months, and in the case of Japan within eighteen months from the coming into force of the present Treaty; the work shall be completed within six months of the expiration of the above-mentioned periods.

Any of these ships which are not retained for training purposes shall be rendered unfit for warlike service within eighteen months, and finally scrapped within thirty months, of the coming into force of the present Treaty.

2. Subject to any disposal of capital ships which might be necessitated, in accordance with the Washington Treaty, by the building by France or Italy of the replacement tonnage referred to in Article 1 of the present Treaty, all existing capital ships mentioned in Chapter II, Part 3, Section II of the Washington Treaty and not designated above to be disposed of may be retained during the term of the present Treaty.

3. The right of replacement is not lost by delay in laying down replacement tonnage, and the old vessel may be retained until replaced even though due for scrapping under Chapter II, Part 3, Section II of the Washington Treaty.

ARTICLE 3

1. For the purposes of the Washington Treaty, the definition of an aircraft carrier given in Chapter II, Part 4 of the said Treaty is hereby replaced by the following definition:

The expression "aircraft carrier" includes any surface vessel of war, whatever its displacement, designed for the specific and exclusive purpose of carrying aircraft and so constructed that aircraft can be launched therefrom and landed thereon.

2. The fitting of a landing-on or flying-off platform or deck on a capital ship, cruiser or destroyer, provided such vessel was not designed or adapted exclusively as an aircraft carrier, shall not cause any vessel so fitted to be charged against or classified in the category of aircraft carriers.

3. No capital ship in existence on the 1st April, 1930, shall be fitted with a landing-on platform or deck.

ARTICLE 4

1. No aircraft carrier of 10,000 tons (10,160 metric tons) or less standard displacement mounting a gun above 6.1-inch (155 mm.) calibre shall be acquired by or constructed by or for any of the High Contracting Parties.

2. As from the coming into force of the present Treaty in respect of all the High Contracting Parties, no aircraft carrier of 10,000 tons (10,160 metric tons) or less standard displacement mounting a gun above 6.1-inch (155 mm.) calibre shall be constructed within the jurisdiction of any of the High Contracting Parties.

ARTICLE 5

An aircraft carrier must not be designed and constructed for carrying a more powerful armament than that authorised by Article IX or Article X of the Washington Treaty, or by Article 4 of the present Treaty, as the case may be.

Wherever in the said Articles IX and X the calibre of 6 inches (152 mm.) is mentioned, the calibre of 6.1 inches (155 mm.) is substituted therefor.

PART II

ARTICLE 6

1. The rules for determining standard displacement prescribed in Chapter II, Part 4 of the Washington Treaty shall apply to all surface vessels of war of each of the High Contracting Parties.

2. The standard displacement of a submarine is the surface displacement of the vessel complete (exclusive of the water in non-watertight structure) fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions for crew, miscellaneous stores, and implements of every description that are intended to be carried in war, but without fuel, lubricating oil, fresh water or ballast water of any kind on board.

3. Each naval combatant vessel shall be rated at its displacement tonnage when in the standard condition. The word "ton", except in the expression "metric tons", shall be understood to be the ton of 2,240 pounds (1,016 kilos.).

ARTICLE 7

1. No submarine the standard displacement of which exceeds 2,000 tons (2,032 metric tons) or with a gun above 5.1-inch (130 mm.) calibre shall be acquired by or constructed by or for any of the High Contracting Parties.

2. Each of the High Contracting Parties may, however, retain, build or acquire a maximum number of three submarines of a standard displacement not exceeding 2,800 tons (2,845 metric tons); these submarines may carry guns not above 6.1-inch (155 mm.) calibre. Within this number, France may retain one unit, already launched, of 2,880 tons (2,926 metric tons), with guns the calibre of which is 8 inches (203 mm.).

3. The High Contracting Parties may retain the submarines which they possessed on the 1st April, 1930, having a standard displacement not in excess of 2,000 tons (2,032 metric tons) and armed with guns above 5.1-inch (130 mm.) calibre.

4. As from the coming into force of the present Treaty in respect of all the High Contracting Parties, no submarine the standard displacement of which exceeds 2,000 tons (2,032 metric tons) or with a gun above 5.1-inch (130 mm.) calibre shall be constructed within the jurisdiction of any of the High Contracting Parties, except as provided in paragraph 2 of this Article.

ARTICLE 8

Subject to any special agreements which may submit them to limitation, the following vessels are exempt from limitation:

(a) naval surface combatant vessels of 600 tons (610 metric tons) standard displacement and under;

(b) naval surface combatant vessels exceeding 600 tons (610 metric tons), but not exceeding 2,000 tons (2,032 metric tons) standard displacement, provided they have none of the following characteristics:

(1) mount a gun above 6.1-inch (155 mm.) calibre;
(2) mount more than four guns above 3-inch (76 mm.) calibre;
(3) are designed or fitted to launch torpedoes;
(4) are designed for a speed greater than twenty knots.

(c) naval surface vessels not specifically built as fighting ships which are employed on fleet duties or as troop transports or in some other way than as fighting ships, provided they have none of the following characteristics:

(1) mount a gun above 6.1-inch (155 mm.) calibre;
(2) mount more than four guns above 3-inch (76 mm.) calibre;
(3) are designed or fitted to launch torpedoes;
(4) are designed for a speed greater than twenty knots;
(5) are protected by armour plate;
(6) are designed or fitted to launch mines;
(7) are fitted to receive aircraft on board from the air;
(8) mount more than one aircraft-launching apparatus on the centre line; or two, one on each broadside;
(9) if fitted with any means of launching aircraft into the air, are designed or adapted to operate at sea more than three aircraft.

ARTICLE 9

The rules as to replacement contained in Annex I to this Part II are applicable to vessels of war not exceeding 10,000 tons (10,160 metric tons) standard displacement, with the exception of aircraft carriers, whose replacement is governed by the provisions of the Washington Treaty.

ARTICLE 10

Within one month after the date of laying down and the date of completion, respectively of each vessel of war, other than

capital ships, aircraft carriers and the vessels exempt from limitation under Article 8, laid down or completed by or for them after the coming into force of the present Treaty, the High Contracting Parties shall communicate to each of the other High Contracting Parties the information detailed below:

(a) the date of laying the keel and the following particulars:

classification of the vessel;

standard displacement in tons and metric tons;

principal dimensions, namely: length at water-line, extreme beam at or below water-line;

mean draft at standard displacement;

calibre of the largest gun.

(b) the date of completion together with the foregoing particulars relating to the vessel at that date.

The information to be given in the case of capital ships and aircraft carriers is governed by the Washington Treaty.

ARTICLE 11

Subject to the provisions of Article 2 of the present Treaty, the rules for disposal contained in Annex II to this Part II shall be applied to all vessels of war to be disposed of under the said Treaty, and to aircraft carriers as defined in Article 3.

ARTICLE 12

1. Subject to any supplementary agreements which may modify, as between the High Contracting Parties concerned, the lists in Annex III to this Part II, the special vessels shown therein may be retained and their tonnage shall not be included in the tonnage subject to limitation.

2. Any other vessel constructed, adapted or acquired to serve the purposes for which these special vessels are retained shall be charged against the tonnage of the appropriate combatant category, according to the characteristics of the vessel, unless such vessel conforms to the characteristics of vessels exempt from limitation under Article 8.

3. Japan may, however, replace the minelayers "Aso" and "Tokiwa" by two new minelayers before the 31st December, 1936. The standard displacement of each of the new vessels shall not exceed 5,000 tons (5,080 metric tons); their speed shall not exceed twenty knots, and their other characteristics shall conform to the provisions of paragraph (b) of Article 8. The new vessels shall be regarded as special vessels and their tonnage shall not be chargeable to the tonnage of any combatant category. The "Aso" and "Tokiwa" shall be disposed of in accordance with Section I or II of Annex II to this Part II, on completion of the replacement vessels.

4. The "Asama", "Yakumo", "Izumo", "Iwate" and "Kasuga" shall be disposed of in accordance with Section I or II of Annex II to this Part II when the first three vessels of the "Kuma" class have been replaced by new vessels. These three vessels of the "Kuma" class shall be reduced to the condition prescribed in Section V, sub-paragraph (b) 2 of Annex II to this Part II, and are to be used for training ships, and their tonnage shall not thereafter be included in the tonnage subject to limitation.

ARTICLE 13

Existing ships of various types, which, prior to the 1st April, 1930, have been used as stationary training establishments or hulks, may be retained in a nonseagoing condition.

ANNEX I

RULES FOR REPLACEMENT

Section I.—Except as provided in Section III of this Annex and Part III of the present Treaty, a vessel shall not be replaced before it becomes "over-age". A vessel shall be deemed to be "over-age" when the following number of years have elapsed since the date of its completion:

(a) For a surface vessel exceeding 3,000 tons (3,048 metric tons) but not exceeding 10,000 tons (10,160 metric tons) standard displacement:

(i) if laid down before the 1st January, 1920: 16 years;

(ii) if laid down after the 31st December, 1919: 20 years.

(b) For a surface vessel not exceeding 3,000 tons (3,048 metric tons) standard displacement:

(i) if laid down before the 1st January, 1921: 12 years;

(ii) if laid down after the 31st December, 1920: 16 years.

(c) For a submarine: 13 years.

The keels of replacement tonnage shall not be laid down more than three years before the year in which the vessel to be replaced becomes "over-age"; but this period is reduced to two years in the case of any replacement surface vessel not exceeding 3,000 tons (3,048 metric tons) standard displacement.

The right of replacement is not lost by delay in laying down replacement tonnage.

Section II.—Except as otherwise provided in the present Treaty, the vessel or vessels, whose retention would cause the maximum tonnage permitted in the category to be exceeded, shall, on the completion or acquisition of replacement tonnage, be disposed of in accordance with Annex II to this Part II.

Section III.—In the event of loss or accidental destruction a vessel may be immediately replaced.

ANNEX II

RULES FOR DISPOSAL OF VESSELS OF WAR

The present Treaty provides for the disposal of vessels of war in the following ways:

(i) by scrapping (sinking or breaking up);

(ii) by converting the vessel to a hulk;

(iii) by converting the vessel to target use exclusively;

(iv) by retaining the vessel exclusively for experimental purposes;

(v) by retaining the vessel exclusively for training purposes.

Any vessel of war to be disposed of, other than a capital ship, may either be scrapped or converted to a hulk at the option of the High Contracting Party concerned.

Vessels, other than capital ships, which have been retained for target, experimental or training purposes, shall finally be scrapped or converted to hulks.

SECTION I.—VESSELS TO BE SCRAPPED

(a) A vessel to be disposed of by scrapping, by reason of its replacement, must be rendered incapable of warlike service within six months of the date of the completion of its successor, or of the first of its successors if there are more than one. If, however, the completion of the new vessel or vessels be delayed, the work of rendering the old vessel incapable of warlike service shall, nevertheless, be completed within four and a half years from the date of laying the keel of the new vessel, or of the first of the new vessels; but should the new vessel, or any of the new vessels, be a surface vessel not exceeding 3,000 tons (3,048 metric tons) standard displacement, this period is reduced to three and a half years.

(b) A vessel to be scrapped shall be considered incapable of warlike service when there shall have been removed and landed or else destroyed in the ship:

(1) all guns and essential parts of guns, fire control tops and revolving parts of all barbettes and turrets;

(2) all hydraulic or electric machinery for operating turrets;

(3) all fire control instruments and rangefinders;

(4) all ammunition, explosives, mines and mine rails;

(5) all torpedoes, war heads, torpedo tubes and training racks;

(6) all wireless telegraphy installations;

(7) all main propelling machinery, or alternatively the armoured conning tower and all side armour plate;

(8) all aircraft cranes, derricks, lifts and launching apparatus. All landing-on or flying-off platforms and decks, or alternatively all main propelling machinery;

(9) in addition, in the case of submarines, all main storage batteries, air compressor plants and ballast pumps.

(c) Scrapping shall be finally effected in either of the following ways within twelve months of the date on which the work of rendering the vessel incapable of warlike service is due for completion:

(1) permanent sinking of the vessel;

(2) breaking the vessel up; this shall always include the destruction or removal of all machinery, boilers and armour, and all deck, side and bottom plating.

SECTION II.—VESSELS TO BE CONVERTED TO HULKS

A vessel to be disposed of by conversion to a hulk shall be considered finally disposed of when the conditions prescribed in Section I, paragraph (b), have been complied with, omitting sub-paragraphs (6), (7) and (8), and when the following have been effected:

(1) mutilation beyond repair of all propeller shafts, thrust blocks, turbine gearing or main propelling motors, and turbines or cylinders of main engines;

(2) removal of propeller brackets;

(3) removal and breaking up of all aircraft lifts, and the removal of all aircraft cranes, derricks and launching apparatus.

The vessel must be put in the above condition within the same limits of time as provided in Section I for rendering a vessel incapable of warlike service.

SECTION III.—VESSELS TO BE CONVERTED TO TARGET USE

(a) A vessel to be disposed of by conversion to target use exclusively shall be considered incapable of warlike service when there have been removed and landed, or rendered unserviceable on board, the following:

(1) all guns;

(2) all fire control tops and instruments and main fire control communication wiring;

(3) all machinery for operating gun mountings or turrets;

(4) all ammunition, explosives, mines, torpedoes and torpedo tubes;

(5) all aviation facilities and accessories.

The vessel must be put into the above condition within the same limits of time as provided in Section I for rendering a vessel incapable of warlike service.

(b) In addition to the rights already possessed by each High Contracting Party under the Washington Treaty, each High Contracting Party is permitted to retain, for target use exclusively, at any one time:

(1) not more than three vessels (cruisers or destroyers), but of these three vessels only one may exceed 3,000 tons (3,048 metric tons) standard displacement;

(2) one submarine.

(c) On retaining a vessel for target use, the High Contracting Party concerned undertakes not to recondition it for warlike service.

SECTION IV.—VESSELS RETAINED FOR EXPERIMENTAL PURPOSES

(a) A vessel to be disposed of by conversion to experimental purposes exclusively shall be dealt with in accordance with the provisions of Section III (a) of this Annex.

(b) Without prejudice to the general rules, and provided that due notice be given to the other High Contracting Parties, reasonable variation from the conditions prescribed in Section III (a) of this Annex, in so far as may be necessary for the purposes of a special experiment, may be permitted as a temporary measure.

Any High Contracting Party taking advantage of this provision is required to furnish full details of any such variations and the period for which they will be required.

(c) Each High Contracting Party is permitted to retain for experimental purposes exclusively at any one time:

(1) not more than two vessels (cruisers or destroyers), but of these two vessels only one may exceed 3,000 tons (3,048 metric tons) standard displacement;

(2) one submarine.

(d) The United Kingdom is allowed to retain, in their present conditions, the monitor "Roberts," the main armament guns and mountings of which have been mutilated, and the seaplane carrier "Ark Royal," until no longer required for experimental purposes. The retention of these two vessels is without prejudice to the retention of vessels permitted under (c) above.

(e) On retaining a vessel for experimental purposes the High Contracting Party concerned undertakes not to recondition it for warlike service.

SECTION V.—VESSELS RETAINED FOR TRAINING PURPOSES

(a) In addition to the rights already possessed by any High Contracting Party under the Washington Treaty, each High Contracting Party is permitted to retain for training purposes exclusively the following vessels:

United States: 1 capital ship ("Arkansas" or "Wyoming");

France: 2 surface vessels, one of which may exceed 3,000 tons (3,048 metric tons) standard displacement;

United Kingdom: 1 capital ship ("Iron Duke");

Italy: 2 surface vessels, one of which may exceed 3,000 tons (3,048 metric tons) standard displacement;

Japan: 1 capital ship ("Hiyei"), 3 cruisers ("Kuma" class).

(b) Vessels retained for training purposes under the provisions of paragraph (a) shall, within six months of the date on which they are required to be disposed of, be dealt with as follows:

1. Capital Ships

The following is to be carried out:

(1) removal of main armament guns, revolving parts of all barbettes and turrets; machinery for operating turrets; but three turrets with their armament may be retained in each ship;

(2) removal of all ammunition and explosives in excess of the quantity required for target practice training for the guns remaining on board;

(3) removal of conning tower and the side armour belt between the foremost and aftermost barbettes;

(4) removal or mutilation of all torpedo tubes;

(5) removal or mutilation on board of all boilers in excess of the number required for a maximum speed of eighteen knots.

2. Other surface vessels retained by France, Italy and Japan

The following is to be carried out:

(1) removal of one half of the guns, but four guns of main calibre may be retained on each vessel;

(2) removal of all torpedo tubes;

(3) removal of all aviation facilities and accessories;

(4) removal of one half of the boilers.

(c) The High Contracting Party concerned undertakes that vessels retained in accordance with the provisions of this Section shall not be used for any combatant purpose.

ANNEX III

Special vessels

UNITED STATES

Name and type of vessel:	Tons displacement
Aroostook, minelayer	4,950
Oglala, minelayer	4,950
Baltimore, minelayer	4,413
San Francisco, minelayer	4,083
Cheyenne, monitor	2,800
Helena, gunboat	1,392
Isabel, yacht	938
Niagara, yacht	2,600
Name and type of vessel—Continued.	Tons displacement
Bridgeport, destroyer tender	11,750
Dobbin, destroyer tender	12,450
Melville, destroyer tender	7,150
Whitney, destroyer tender	12,450
Holland, submarine tender	11,570
Henderson, naval transport	10,000
	91,496

FRANCE

Name and type of vessel:	Tons displacement
Castor, minelayer	3,150
Pollux, minelayer	2,461
Commandant, Teste, seaplane carrier	10,000
Aisne, despatch vessel	600
Marne, despatch vessel	600
Ancre, despatch vessel	604
Scarpe, despatch vessel	604
Suippe, despatch vessel	604
Dunkerque, despatch vessel	644
Laffaux, despatch vessel	644
Bapaume, despatch vessel	644
Nancy, despatch vessel	644
Calais, despatch vessel	644
Lassigny, despatch vessel	644
Les Eparges, despatch vessel	644
Remiremont, despatch vessel	644
Tahure, despatch vessel	644
Toul, despatch vessel	644
Épinal, despatch vessel	644
Liévin, despatch vessel	644
(—), netlayer	2,293
	28,644

BRITISH COMMONWEALTH OF NATIONS

Name and type of vessel:	Tons displacement
Adventure, minelayer (United Kingdom)	6,740
Albatross, seaplane carrier (Australia)	5,000
Erebus, monitor (United Kingdom)	7,200
Terror, monitor (United Kingdom	7,200
Marshal Soult, monitor (United Kingdom)	6,400
Clive, sloop (India)	2,021
Medway, submarine depot ship (United Kingdom)	15,000
	49,561

ITALY

Name and type of vessel:	Tons displacement
Miraglia, seaplane carrier	4,880
Faà di Bruno, monitor	2,800
Monte Grappa, monitor	605
Montello, monitor	605
Monte Cengio, ex-monitor	500
Monte Novegno, ex-monitor	500
Campania, sloop	2,070
	11,960

JAPAN

Name and type of vessel:	Tons displacement
Aso, minelayer	7,180
Tokiwa, minelayer	9,240
Asama, old cruiser	9,240
Yakumo, old cruiser	9,010
Izumo, old cruiser	9,180
Iwate, old cruiser	9,180
Kasuga, old cruiser	7,080
Yodo, gunboat	1,320
	61,430

PART III

The President of the United States of America, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of Japan, have agreed as between themselves to the provisions of this Part III:

ARTICLE 14

The naval combatant vessels of the United States, the British Commonwealth of Nations and Japan, other than capital ships, aircraft carriers and all vessels exempt from limitation under Article 8, shall be limited during the term of the present Treaty as provided in this Part III, and, in the case of special vessels, as provided in Article 12.

ARTICLE 15

For the purpose of this Part III the definition of the cruiser and destroyer categories shall be as follows:

Cruisers

Surface vessels of war, other than capital ships or aircraft carriers, the standard displacement of which exceeds 1,850 tons (1,880 metric tons), or with a gun above 5.1-inch (130 mm.) calibre.

The cruiser category is divided into two sub-categories, as follows:

(a) cruisers carrying a gun above 6.1-inch (155 mm.) calibre;

(b) cruisers carrying a gun not above 6.1-inch (155 mm.) calibre.

Destroyers

Surface vessels of war the standard displacement of which does not exceed 1,850 tons (1,880 metric tons), and with a gun not above 5.1-inch (130 mm.) calibre.

ARTICLE 16

1. The completed tonnage in the cruiser, destroyer and submarine categories which is not to be exceeded on the 31st December, 1936, is given in the following table:

Categories	United States	British Commonwealth of Nations	Japan
Cruisers:			
(*a*) with guns of more than 6.1-inch (155 mm.) calibre.	180,000 tons (182,880 metric tons).	146,800 tons (149,149 metric tons).	108,400 tons (110,134 metric tons).
(*b*) with guns of 6.1-inch (155 mm.) calibre or less.	143,500 tons (145,796 metric tons).	192,200 tons (195,275 metric tons).	100,450 tons (102,057 metric tons).
Destroyers	150,000 tons (152,400 metric tons).	150,000 tons (152,400 metric tons).	105,500 tons (107,188 metric tons).
Submarines	52,700 tons (53,543 metric tons).	52,700 tons (53,543 metric tons).	52,700 tons (53,543 metric tons).

2. Vessels which cause the total tonnage in any category to exceed the figures given in the foregoing table shall be disposed of gradually during the period ending on the 31st December, 1936.

3. The maximum number of cruisers of sub-category (*a*) shall be as follows: for the United States, eighteen; for the British Commonwealth of Nations, fifteen; for Japan, twelve.

4. In the destroyer category not more than sixteen per cent. of the allowed total tonnage shall be employed in vessels of over 1,500 tons (1,524 metric tons) standard displacement. Destroyers completed or under construction on the 1st April, 1930, in excess of this percentage may be retained, but no other destroyers exceeding 1,500 tons (1,524 metric tons) standard displacement shall be constructed or acquired until a reduction to such sixteen per cent. has been effected.

5. Not more than twenty-five per cent. of the allowed total tonnage in the cruiser category may be fitted with a landing-on platform or deck for aircraft.

6. It is understood that the submarines referred to in paragraphs 2 and 3 of Article 7 will be counted as part of the total submarine tonnage of the High Contracting Party concerned.

7. The tonnage of any vessels retained under Article 13 or disposed of in accordance with Annex II to Part II of the present Treaty shall not be included in the tonnage subject to limitation.

ARTICLE 17

A transfer not exceeding ten per cent. of the allowed total tonnage of the category or sub-category into which the transfer is to be made shall be permitted between cruisers of sub-category (*b*) and destroyers.

ARTICLE 18

The United States contemplates the completion by 1935 of fifteen cruisers of sub-category (*a*) of an aggregate tonnage of 150,000 tons (152,400 metric tons). For each of the three remaining cruisers of sub-category (*a*) which it is entitled to construct the United States may elect to substitute 15,166 tons (15,409 metric tons) of cruisers of sub-category (*b*). In case the United States shall construct one or more of such three remaining cruisers of sub-category (*a*), the sixteenth unit will not be laid down before 1933 and will not be completed before 1936; the seventeenth will not be laid down before 1934 and will not be completed before 1937; the eighteenth will not be laid down before 1935 and will not be completed before 1938.

ARTICLE 19

Except as provided in Article 20, the tonnage laid down in any category subject to limitation in accordance with Article 16 shall not exceed the amount necessary to reach the maximum allowed tonnage of the category, or to replace vessels that become "over-age" before the 31st December, 1936. Nevertheless, replacement tonnage may be laid down for cruisers and submarines that become "over-age" in 1937, 1938 and 1939, and for destroyers that become "over-age" in 1937 and 1938.

ARTICLE 20

Notwithstanding the rules for replacement contained in Annex I to Part II:

(*a*) The "Frobisher" and "Effingham" (United Kingdom) may be disposed of during the year 1936. Apart from the cruisers under construction on the 1st April, 1930, the total replacement tonnage of cruisers to be completed, in the case of the British Commonwealth of Nations, prior to the 31st December, 1936, shall not exceed 91,000 tons (92,456 metric tons).

(b) Japan may replace the "Tama" by new construction to be completed during the year 1936.

(c) In addition to replacing destroyers becoming "over-age" before the 31st December, 1936, Japan may lay down, in each of the years 1935 and 1936, not more than 5,200 tons (5,283 metric tons) to replace part of the vessels that become "over-age" in 1938 and 1939.

(d) Japan may anticipate replacement during the term of the present Treaty by laying down not more than 19,200 tons (19,507 metric tons) of submarine tonnage, of which not more than 12,000 tons (12,192 metric tons) shall be completed by the 31st December, 1936.

ARTICLE 21

If, during the term of the present Treaty, the requirements of the national security of any High Contracting Party in respect of vessels of war limited by Part III of the present Treaty are in the opinion of that Party materially affected by new construction of any Power other than those who have joined in Part III of this Treaty, that High Contracting Party will notify the other Parties to Part III as to the increase required to be made in its own tonnages within one or more of the categories of such vessels of war, specifying particularly the proposed increases and the reasons therefor, and shall be entitled to make such increase. Thereupon the other Parties to Part III of this Treaty shall be entitled to make a proportionate increase in the category or categories specified; and the said other Parties shall promptly advise with each other through diplomatic channels as to the situation thus presented.

PART IV

ARTICLE 22

The following are accepted as established rules of International Law:

(1) In their action with regard to merchant ships, submarines must conform to the rules of International Law to which surface vessels are subject.

(2) In particular, except in the case of persistent refusal to stop on being duly summoned, or of active resistance to visit or search, a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew and ship's papers in a place of safety. For this purpose the ship's boats are not regarded as a place of safety unless the safety of the passengers and crew is assured, in the existing sea and weather conditions, by the proximity of land, or the presence of another vessel which is in a position to take them on board.

The High Contracting Parties invite all other Powers to express their assent to the above rules.

PART V

ARTICLE 23

The present Treaty shall remain in force until the 31st December, 1936, subject to the following exceptions:

(1) Part IV shall remain in force without limit of time;

(2) the provisions of Articles 3, 4, and 5, and of Article 11 and Annex II to Part II so far as they relate to aircraft carriers, shall remain in force for the same period as the Washington Treaty.

Unless the High Contracting Parties should agree otherwise by reason of a more general agreement limiting naval armaments, to which they all become parties, they shall meet in conference in 1935 to frame a new treaty to replace and to carry out the purposes of the present Treaty, it being understood that none of the provisions of the present Treaty shall prejudice the attitude of any of the High Contracting Parties at the conference agreed to.

ARTICLE 24

1. The present Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods and the ratifications shall be deposited at London as soon as possible. Certified copies of all the *procès-verbaux* of the deposit of ratifications will be transmitted to the Governments of all the High Contracting Parties.

2. As soon as the ratifications of the United States of America, of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in respect of each and all of the Members of the British Commonwealth of Nations as enumerated in the preamble of the present Treaty, and of His Majesty the Emperor of Japan have been deposited, the Treaty shall come into force in respect of the said High Contracting Parties.

3. On the date of the coming into force referred to in the preceding paragraph, Parts I, II, IV and V of the present Treaty will come into force in respect of the French Republic and the Kingdom of Italy if their ratifications have been deposited at

that date; otherwise these Parts will come into force in respect of each of those Powers on the deposit of its ratification.

4. The rights and obligations resulting from Part III of the present Treaty are limited to the High Contracting Parties mentioned in paragraph 2 of this Article. The High Contracting Parties will agree as to the date on which, and the conditions under which, the obligations assumed under the said Part III by the High Contracting Parties mentioned in paragraph 2 of this Article will bind them in relation to France and Italy; such agreement will determine at the same time the corresponding obligations of France and Italy in relation to the other High Contracting Parties.

ARTICLE 25

After the deposit of the ratifications of all the High Contracting Parties, His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland will communicate the provisions inserted in Part IV of the present Treaty to all Powers which are not signatories of the said Treaty, inviting them to accede thereto definitely and without limit of time.

Such accession shall be effected by a declaration addressed to His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 26

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland. Duly certified copies thereof shall be transmitted to the Governments of all the High Contracting Parties.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done at London, the twenty-second day of April, nineteen hundred and thirty.

HENRY L. STIMSON.
CHARLES G. DAWES.
CHARLES F. ADAMS.
JOSEPH T. ROBINSON.
DAVID A. REED.
HUGH GIBSON.
DWIGHT W. MORROW.
ARISTIDE BRIAND.
J. L. DUMESNIL.
A. DE FLEURIAU.
J. RAMSAY MACDONALD.
ARTHUR HENDERSON.
A. V. ALEXANDER.
W. WEDGWOOD BENN.
PHILIPPE ROY.
JAMES E. FENTON.
T. M. WILFORD.
C. T. TE WATER.
T. A. SMIDDY.
ATUL C. CHATTERJEE.
G. SIRIANNI.
A. C. BORDONARO.
ALFREDO ACTON.
R. WAKATSUKI.
TAKESHI TAKARABE.
T. MATSUDAIRA.
M. NAGAI.

Certified a true copy.
[SEAL.]

S. GASELEE,
Librarian and Keeper of the Papers at the Foreign Office.

LONDON, *April 22nd, 1930.*

APPROPRIATIONS FOR TREASURY AND POST OFFICE DEPARTMENTS

As in legislative session,

Mr. PHIPPS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 16, 21, and 22.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, and 23, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,634,480"; and the Senate agree to the same.

L. C. PHIPPS,
T. L. ODDIE,
W. B. PINE,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

WILL R. WOOD,
M. H. THATCHER,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. PHIPPS. This is a full and final report on the Treasury and Post Office appropriation measure. I move its adoption.

Mr. ROBINSON of Arkansas. Mr. President, may I ask if the report is unanimous?

Mr. PHIPPS. The report is unanimous on both sides. There were very few items in controversy, and the conference was a very agreeable one all the way through, because the conferees were in accord. Some matters that Senators desired to bring up for consideration in this bill will be otherwise cared for in the deficiency appropriation bill. I could give the figures if it were desired to have them known.

Mr. ROBINSON of Arkansas. In view of the statement of the Senator, I have no objection to the consideration of the report.

The report was agreed to.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States making nominations, which were referred to the appropriate committees.

FORECLOSURE OF MORTGAGES BY FEDERAL LAND BANKS

As in legislative session,

Mr. BLEASE. Mr. President, some time ago I introduced a joint resolution asking that the Federal land bank officials be instructed not to foreclose certain mortgages for a period of two years.

I have here a communication which I sent to Mr. Secretary Mellon, a reply and two tables from Mr. Ogden Mills, Undersecretary, and some letters and other matter, including two articles by Hon. J. S. Wannamaker, of South Carolina, which I ask to have printed in the RECORD, to be taken up at the time of the consideration of this joint resolution, to show what we have given to other countries, and the extension of time given them to pay their debts to the United States, and conditions in our own country. I have many other letters and articles, but shall not ask that they be printed at this time.

The VICE PRESIDENT. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

WASHINGTON, D. C., *April 19, 1930.*

Hon. ANDREW W. MELLON,
The Secretary of the Treasury, Washington, D. C.

DEAR MR. SECRETARY: I would like for you to kindly furnish me with a statement showing the different amounts of the loans made by the United States Government to the various other nations during the World War, together with the respective rates of interest charged, and a statement of the settlements showing the amounts of principal and interest canceled, the amounts now due and when payable with the rates of interest, and the general status of foreign indebtedness to this Government.

Thanking you for your courteous attention to this request, I am

Very respectfully,
COLE. L. BLEASE.

TREASURY DEPARTMENT,
Washington, April 25, 1930.

Hon. COLE. L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: For the Secretary I acknowledge receipt of your letter of April 19, 1930, requesting information concerning the indebtedness of foreign governments to the United States.

There is transmitted herewith copy of the Combined Annual Reports of the World War Foreign Debt Commission, in which on page 318 and 328 you will find statements showing the amounts of obligations taken from foreign governments on account of cash advances made under the Liberty bond acts, war supplies sold on credit under the act of July 9, 1918, and relief supplies furnished under the acts of February 25, 1919, and March 30, 1920. These amounts are also set out in totals in the statement appearing on page 81 of this report. The rates of interest borne by the obligations prior to funding are shown in the tables appearing on pages 318–328, except for the cash advances. All of the obligations acquired for cash advances bore interest at the rate of 5 per cent per annum from an early date in 1918. On page 332 appears a memorandum which explains the rates of interest on the cash advances.

As you know, the funding agreements concluded with our foreign debtors provide for the repayment of the principal in full over a period of 62 years, together with interest at varying rates. Copies of these agreements may be found in the above-mentioned report except the agreement concluded with the Government of Greece and the agreement proposed to be concluded with the Government of Austria. These agreements will be found in the inclosed extract from the annual report of the Secretary of the Treasury for the fiscal year 1929.

You realize, of course, that any cancellation of the indebtedness of foreign governments is represented by a reduction in the interest rates. As the original obligations generally bore interest prior to funding at the rate of 5 per cent per annum, any cancellation is represented by

the difference between this rate and the rates of interest borne by the obligations as funded. If, therefore, the present value of the payments to be received under the various settlements is computed on a basis of 5 per cent per annum and deducted from the total amount due prior to funding, including interest at the original rates, some measure of cancellation can be obtained. In this connection there is also inclosed photostat copy of the statement showing certain information concerning the funded indebtedness of foreign governments to the United States, among which is the present value of the payments to be received under the various settlements on a basis of 3, 4¼, and 5 per cent per annum payable semiannually. The difference between the present value column of 5 per cent and column No. 5 represents in a measure the cancellation of the indebtedness of foreign governments to the United States. You may also be interested in the average rates of interest on the debt settlements as shown in the last two columns.

For your further information there is inclosed copy of statement dated January 10, 1930, which shows the present status of the indebtedness of foreign governments to the United States.

Very truly yours,

OGDEN L. MILLS,
Undersecretary of the Treasury.

Statement showing principal of indebtedness of foreign governments prior to funding; accrued and unpaid interest up to date of settlement which was funded into principal under debt agreements; principal of total indebtedness as funded; total to be received under the funding agreements, without regard to the exercise of any options by the debtor; total indebtedness as of date of funding, including accrued and unpaid interest computed at rates borne by obligations then held (5 and 6 per cent); present values of payments to be received over 62-year period (40 years in case of Austria) on basis of interest rates of 3, 4¼, and 5 per cent, payable semiannually, together with percentages that such present values bear to the total indebtedness, including accrued and unpaid interest computed at rates borne by obligations prior to funding; and approximate average interest rates on indebtedness of each country as funded, and original principal from approximate date to which interest was last paid prior to funding to end of funding period

Country	Original principal	Funded interest	Funded debt	To be received under funding agreements	Debt prior to funding, including accrued interest (5 and 6 per cent)	Present values on basis of interest rates stated and percentage that present value bears to debt prior to funding						Average annual interest rates (approximate)	
						3 per cent	Per cent	4¼ per cent	Per cent	5 per cent	Per cent	On debt as funded (per cent)	On original principal, including back interest (per cent)
Austria	$24,055,708.92	$559,176.08	$24,614,885	$24,614,885.00	$34,631,000	$12,951,000	37.4	$10,238,000	29.5	$8,971,000	25.9	.....	0.100
Belgium	377,029,570.06	40,750,429.94	417,780,000	727,830,500.00	483,426,000	302,239,000	62.5	225,000,000	46.5	191,766,000	39.7	1.790	1.840
Czechoslovakia	91,879,671.03	23,120,328.97	115,000,000	312,811,433.88	123,854,000	124,995,000	100.9	91,964,000	74.3	77,985,000	63.0	3.327	3.433
Estonia	12,066,222.15	1,763,777.85	13,830,000	33,331,140.00	14,143,000	14,798,000	104.6	11,392,000	80.5	9,915,000	70.1	3.306	3.404
Finland	8,281,926.17	718,073.83	9,000,000	21,695,055.00	9,190,000	9,630,000	104.8	7,413,000	80.7	6,452,000	70.2	3.306	3.402
France	3,340,516,043.72	684,483,956.28	4,025,000,000	6,847,674,104.17	4,230,777,000	2,734,250,000	64.6	1,996,509,000	47.2	1,681,369,000	39.7	1.640	1.955
Great Britain	4,074,818,358.44	525,181,641.56	4,600,000,000	11,105,965,000.00	4,715,310,000	4,922,702,000	104.4	3,788,470,000	80.3	3,296,948,000	69.9	3.306	3.415
Greece [1]	15,000,000.00	3,125,000.00	18,125,000	[1] 20,330,000.00	19,660,000	8,577,000	43.6	6,425,000	32.7	5,495,000	27.9	.250	.950
Hungary	1,685,835.61	253,164.39	1,939,000	4,693,240.00	1,984,000	2,076,000	104.6	1,596,000	80.4	1,388,000	70.0	3.306	3.407
Italy	1,647,869,197.96	394,130,802.04	2,042,000,000	2,407,677,500.00	2,150,150,000	782,321,000	36.4	528,192,000	24.6	426,287,000	19.8	.405	.815
Latvia	5,132,287.14	642,712.86	5,775,000	13,958,635.00	5,893,000	6,181,000	104.9	4,755,000	80.7	4,137,000	70.2	3.306	3.426
Lithuania	4,981,628.03	1,043,371.97	6,030,000	14,531,940.00	6,216,000	6,452,000	103.8	4,967,000	79.9	4,322,000	69.5	3.306	3.420
Poland	159,666,972.39	18,893,027.61	178,560,000	435,687,550.00	182,324,000	191,283,000	104.9	146,825,000	80.5	127,643,000	70.0	3.306	3.408
Rumania	36,128,494.94	8,461,505.06	44,590,000	122,506,260.05	46,945,000	48,442,000	103.2	35,172,000	74.9	29,507,000	62.9	3.321	3.358
Yugoslavia	51,037,886.39	11,812,113.61	62,850,000	95,177,635.00	66,164,000	30,286,000	45.8	20,030,000	30.3	15,919,000	24.1	1.030	1.356
Total	9,850,149,802.95	1,714,944,082.05	11,565,093,885	22,188,484,878.10	12,090,667,000	9,197,183,000	76.1	6,878,948,000	56.9	5,888,104,000	48.7	2.135	2.402

[1] Exclusive of new 4 per cent 20-year loan of $12,167,000.

Column 5	$12,090,667,000
Column 5 per cent	5,888,104,000
Approximate total cancellation, $6,202,563,000.	6,202,563,000

Principal of the funded and unfunded indebtedness of foreign governments to the United States, the accrued and unpaid interest thereon, and payments on account of principal and interest, as of January 10, 1930

Country	Total indebtedness	Total payments received	Funded indebtedness				Unfunded indebtedness [1]			
			Indebtedness		Payments on account		Indebtedness		Payments on account	
			Principal (net)	Accrued interest [2]	Principal	Interest	Principal (net)	Accrued interest	Principal	Interest
Armenia	$17,921,433.10						$11,959,917.49	$5,961,515.61		
Austria [3]	24,614,885.00						24,614,885.00			
Belgium	408,180,000.00	$40,066,273.24	$408,180,000.00		$9,600,000.00	$9,865,000.00			$2,057,630.37	$18,543,642.87
Cuba		12,286,751.58							10,000,000.00	2,286,751.58
Czechoslovakia [4]	171,571,023.07	13,804,178.09	171,571,023.07		13,500,000.00					304,178.09
Estonia	16,305,133.90	701,441.88	13,830,000.00	$2,475,133.90		700,000.00				1,441.88
Finland	8,659,000.00	2,510,855.27	8,659,000.00		341,000.00	1,860,540.00				309,315.27
France	3,900,000,000.00	411,075,891.00	3,900,000,000.00		125,000,000.00				64,689,588.18	221,386,302.82
Great Britain	4,426,000,000.00	1,685,048,298.67	4,426,000,000.00		174,000,000.00	950,970,000.00			202,181,641.56	357,896,657.11
Greece	32,206,000.00	1,696,416.01	32,206,000.00		291,000.00	243,340.00			2,922.67	1,159,153.34
Hungary	1,920,315.00	370,473.46	1,920,315.00		62,240.50	307,479.92				753.04
Italy	2,022,000,000.00	77,963,171.90	2,022,000,000.00		20,000,000.00				364,319.28	57,598,852.62
Latvia	6,795,871.06	430,828.95	5,775,000.00	1,020,871.06		300,000.00				130,828.95
Liberia		36,471.56							26,000.00	10,471.56
Lithuania [5]	6,271,674.50	773,456.39	6,271,674.50		160,790.50	611,118.92				1,546.97
Nicaragua	312,827.99	168,783.13					290,627.99	22,200.00	141,221.15	27,561.98
Poland	209,396,218.67	12,048,224.28	178,560,000.00	30,836,218.67		10,000,000.00				2,048,224.28
Rumania [4]	65,160,560.43	3,461,945.76	65,160,560.43		1,400,000.00				1,798,632.02	263,313.74
Russia	298,703,028.85	[6] 8,748,878.87					192,601,297.37	106,101,731.48		8,748,878.87
Yugoslavia	62,050,000.00	2,163,771.69	62,050,000.00		800,000.00				727,712.55	636,059.14
Total	11,678,067,971.57	2,273,356,111.73	11,302,183,573.00	34,332,223.63	345,155,031.00	974,857,478.84	229,466,727.85	112,085,447.09	281,989,667.78	671,353,934.11

[1] Payments of governments which have funded were made prior to the dates of the funding agreements.

[2] Accrued and unpaid interest on funded debts due to exercise of options to pay specified amounts over first 5 years in lieu of total amounts due, for which bonds similar to those originally issued under funding agreement will be given upon expiration of the options for the full amount deferred.

[3] The act of Feb. 4, 1929, authorized the indebtedness of Austria in this amount to be funded as of Jan. 1, 1928. Payments of $575,112, the first and second installments of principal due, were made on Jan. 1, 1929, and Jan. 1, 1930, respectively, which amounts are held in a special account until the agreement is actually concluded.

[4] Difference between principal of funded debt and amount here stated represents deferred payments provided for in the funding agreements, for which gold bonds of the respective debtor governments have been or will be delivered to the Treasury.

[5] Increase over amount funded due to exercise of options to pay one-half of interest due on original issue of bonds, in bonds of debtor governments.

[6] Represents proceeds of liquidation of financial affairs of Russian Government in this country. (Copies of letter dated May 23, 1922, from the Secretary of State and reply of the Secretary of the Treasury dated June 2, 1922, in regard to loans to the Russian Government and liquidation of affairs of the latter in this country, appear in the annual report of the Secretary of the Treasury for the fiscal year 1922, as Exhibit 79, p. 283, and in the combined annual reports of the World War Foreign Debt Commission as Exhibit 2, p. 84.)

House Joint Resolution 352: For the relief of Porto Rico. Preamble agreed to in Senate December 18, 1928 (CONGRESSIONAL RECORD, p. 797). Public Resolution No. 74. (See p. 1011, CONGRESSIONAL RECORD, December 22, 1928.) December 21, 1928, approved, Seventieth Congress, second session. (See CONGRESSIONAL RECORD, this session, pp. 6613, 6939.)

Public Resolution No. 74, Seventieth Congress

(H. J. Res. 352)

Joint resolution for the relief of Porto Rico

Whereas the island of Porto Rico is suffering from the effects of a violent hurricane of extraordinary intensity, unusual duration, and unexampled violence which visited the island on September 13 and 14, 1928; and

Whereas no part of the island escaped suffering some damage; and

Whereas the total number of people affected by the hurricane was 1,454,047, of whom, according to the report of the American Red Cross, more than one-third, or 510,161, were absolutely destitute and without food; and

Whereas the coffee and fruit crops were almost totally destroyed, and the coffee plantations so injured that it will be at least five years before they can be restored to normal conditions; and

Whereas a very large part of the shade trees which are essential for the successful functioning of a coffee plantation were destroyed and more than five years will be required for their replacement or recovery; and

Whereas more than 140,000, or about one-third, of the trees on the coconut plantations were destroyed and it will be at least seven years before the new trees to be planted in their place will be bearing fruit; and

Whereas the damage to all the insular industries has been so great as to make it impossible for the insular government to give adequate relief in the emergency: Therefore be it

Resolved, etc., That there is hereby created a commission, to be known as the Porto Rican Hurricane Relief Commission (hereinafter referred to as the commission), and to consist of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, of whom the Secretary of War shall be the chairman. It shall be the duty of the commission to assist in the rehabilitation of agriculture in the island of Porto Rico, particularly on the coffee plantations and on the coconut plantations, to encourage a more general planting of food crops needed by laborers on the plantations, especially of root crops, to aid in the repair and restoration of schools and roads, and to assist in providing employment for unemployed and destitute laborers. The commissioners shall receive no compensation for their services under this resolution.

SEC. 2. (a) The commission is authorized (1) without regard to the civil service laws to appoint and without regard to the classification act of 1923, as amended, to fix the compensation of a secretary and such clerical and other assistants; and (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere) as may be necessary in carrying out the provisions of this resolution. The commission may, to the extent deemed advisable by it, utilize the facilities and the clerical and other personnel of the Department of the Treasury, the Department of War, and the Department of Agriculture, and may request and accept the cooperation of the insular and municipal governments of Porto Rico in carrying out the provisions of this resolution.

(b) There is hereby authorized to be appropriated the sum of $50,000 for administrative expenses incurred in carrying out the provisions of this resolution.

SEC. 3. For the purpose of carrying out the provisions of this resolution the commission shall have power to make loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico in such amounts and upon such terms and conditions as the commission shall by regulation prescribe, including an agreement by the borrowers to use the loan for the purposes specified by the commission; except that no such loan shall be made for a period of more than 10 years or in an amount in excess of $25,000 to any one individual. The rate of interest upon each such loan beginning with the fourth year shall be 5 per cent per annum, but the commission may, in its discretion, defer the payment of interest upon any such loan for such a period of time as the commission shall deem necessary. All such loans shall be made by the commission itself or through such agencies as the commission shall designate. For carrying out the purposes of this section there is hereby authorized to be appropriated the sum of $6,000,000, of which $3,000,000 shall be made immediately available, $2,000,000 shall be made available on January 1, 1930, and $1,000,000 shall be made available on January 1, 1931. All money received during a period of five years from the date of the approval of this joint resolution as repayment of any loan or interest on loan made under the provisions of this joint resolution shall be held by said commission as a revolving fund, which may be loaned on applications for the purposes and upon the terms and conditions herein provided, and all money received thereafter as payments of interest and principal on all loans made under the provisions of this joint resolution shall be covered into the Treasury as miscellaneous receipts.

SEC. 4. There is hereby authorized to be appropriated the sum of $2,000,000 to be used for the rebuilding and repair of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor and the purchase of materials for repairing insular and rural municipal roads. The sum hereby authorized to be appropriated shall be expended in such manner and in such amounts as the commission shall approve.

SEC. 5. There is hereby authorized to be appropriated the sum of $100,000 to be expended by the commission in the purchase and distribution within the devastated area of Porto Rico of seeds and seedlings, particularly of food and root crops, in such manner as it deems advisable.

SEC. 6. The commission shall make an annual report to Congress at the beginning of each regular session, giving a complete account of its activities in carrying out the provisions of this resolution.

Approved December 21, 1928.

Public Resolution 33, Seventy-first Congress

(S. J. Res. 118)

Joint resolution to authorize additional appropriations for the relief of Porto Rico

Resolved, etc., That there is hereby authorized to be appropriated the sum of $1,000,000 for the purpose of making loans to individual coffee planters, coconut planters, fruit growers, or other agriculturists in the island of Porto Rico; the sum of $2,000,000 for the rebuilding and repairing of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor and the purchase of supplies, materials, and equipment for repairing and constructing insular and rural municipal roads; in all, $3,000,000, to be made available immediately and to remain available until expended.

SEC. 2. The sums hereby authorized to be appropriated shall be expended in such manner and in such amounts as may be approved by the Porto Rican Hurricane Relief Commission, established by Public Resolution No. 74, Seventieth Congress, approved December 21, 1928.

Approved, January 22, 1930.

EDGEFIELD, S. C., *April 9, 1930.*

Senator COLE. L. BLEASE:

Only $4,000 farm seed-loan fund allotted to Edgefield County. We need $35,000. Farmers in distress; immediate action imperative.

R. H. NORRIS,
Mayor of Edgefield.
W. D. ALLEN,
President Chamber Commerce.
A. E. PADGETT,
President Farmers' Bank of Edgefield.
THOS. H. RAINSFORD,
Vice President Bank of Edgefield.
T. B. GRENEKER,
State Senator.
H. C. FANNING,
Manager Bank of Western Carolina.
W. W. MILLER,
Vice President and Cashier Bank of Trenton.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 11, 1930.

HON. COLE. L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR BLEASE: Your letter of April 10 inclosing telegram from certain parties in Edgefield County, S. C., regarding the allotment made to that county from the appropriation for loans to farmers for the purchase of seed, feed, and fertilizer has been received.

Our reports indicate that applications are being filed at the field offices for amounts greatly in excess of the appropriation, and the department is endeavoring to deal fairly with each of the States mentioned in the bill; still it is quite certain that we will not be able to allot each county the amount it would like to receive.

I am referring your letter to Dr. C. W. Warburton, with the request that he see if anything can be done with regard to increasing the allotment to Edgefield County.

Respectfully,

R. W. DUNLAP, *Acting Secretary.*

APRIL 30, 1930.

Senator COLE. L. BLEASE,
Washington, D. C.

DEAR SIR: I find it necessary to write you concerning the Federal seed and fertilizer loan.

I filed application about the 1st of April for money to buy seed and fertilizer for my 1930 crop. I am inclosing a letter from the Federal

loan so you can see the answer they have given me at this late date for farming. I am unable to make plans at this late date.

Now, Mr. BLEASE, not only me but a lot of us farmers are left in a critical condition. We went ahead and prepared all of our land for planting with the expectation of some help from the Government, so here I am left with nothing to buy seed or fertilizer with and the banks absolutely refuse to put out any money on crop mortgage.

Senator BLEASE, for illustration, to show that, it seems to me, it was not equally divided, I have a brother that received a check for $93 from the Federal farm loan who is 50 per cent in a better financial condition than I am.

I obtained money from the Federal farm loan last year, and my crop was indeed short; in fact, it was not sufficient to pay this money back, so I had to work out and deprive my wife and children in order to pay this money back to them, thinking I would be able to get some help from them this spring.

Senator BLEASE, the proposition looks serious to me. It appears to me I will have to give up my farm and get other work in order to live. I have always been an upholder for you, Mr. BLEASE, and have also been advised by a number of other friends of Mr. BLEASE to write you concerning this matter.

I didn't know if it would be of any benefit or not, but I do know if anything can be done Senator BLEASE will do it, because you are a fair man and believe in equal rights.

My motto is, "Equal rights to all and special privileges to none."

Hoping to hear from you at an early date with some advice as what to do,

I am your friend,

[Inclosure]

UNITED STATES DEPARTMENT OF AGRICULTURE,
FARMERS' SEED LOAN OFFICE,
Columbia, S. C., April 27, 1930.

DEAR SIR: We have your application for a seed, feed, and/or fertilizer loan, and we regret to inform you that the allotment of funds set up for applications from your county has been exhausted. We will hold these papers in our office for a short while in the hope that other counties in your State will not use all of their allotments and will thus be able to take care of a few applications received from such counties as have exhausted their allotment.

We can not, however, give definite assurance that any county will not use all of its funds and can not hold out any encouragement that we may be able to approve your loan later.

You should make plans in connection with your 1930 crops with the above in mind.

Yours very truly,

FARMERS' SEED LOAN OFFICE,
L. E. WHITE,
Administrative Officer in Charge.

WASHINGTON, D. C., *May 1, 1930.*

DEAR SIR: Your letter of April 30 received.

Some time ago I took up with the Department of Agriculture the matter of the insufficiency of the farmers' seed loan fund and requested that the allotment to the various counties in South Carolina be increased.

The department advised me that as a number of States were to be supplied out of the fund that it was necessary to make the allotment to the different counties small in order that each State and county entitled to some of the funds should receive its pro rata share.

At the first opportunity I am going to take the matter up on the floor of the Senate along with some other material which I have to offer for the relief of our farmers, and I hope that they will be able to accomplish some good.

In the meantime, there is nothing I can do except to suggest to you that you see your county agricultural agent and have him take the matter up with the farmers' seed loan office in Columbia.

With kind regards and my best wishes, I am, as ever,

COLE. L. BLEASE.

BAMBERG, S. C., *April 16, 1930.*

Senator COLE. L. BLEASE,
Washington, D. C.

DEAR SENATOR: I see where you are putting a bill through requiring the Federal land banks to give us a breathing spell, and I am certainly glad. Please let me know what success you are having, and if you think it will soon become a law.

Unless something happens real soon, I am sure to lose 1,250 acres of land, but I believe I can make the grade if your bill is made a law real soon. Everything is shot to pieces down here, but with just a little indulgence I think we can all come back.

Best regards.

I am, yours truly,

APRIL 28, 1930.

Hon. COLE. L. BLEASE.

DEAR SIR: I guess you will be surprised to get this letter.

As I am flat on the ground, I thought I would write you and see if you could help me in some way. I put in for Government money three weeks ago, and I have called personally on Mr. L. E. White, in charge at Columbia. He told me Orangeburg County money was out. Looks like a man with nine in family could have gotten this money.

I see others that have already gotten it running cars and also have an income. I have no car or income. Plenty of friends, but all of them broke as hell.

Banks are not loaning any money on crop mortgages or real estate. I have no one to look to, that is why I put in for Government help. Two years ago storm destroyed nearly all of my cotton. I borrowed a little last year from Government and was drowned out by rain, but made enough to pay it back. I wanted about $250 this year to run my farm on, and if you can help me to get it right away, in any way, I will appreciate it very much. I will give any kind of note signed by me and wife until next fall.

I know you are not running a bank, but I thought perhaps you could help an old friend—one that has stood by you and one that will stand by you. If the Government don't help farmers a little more than they have been, there won't be anything down here but paved roads and empty bellies. A lot of farmers in this country can't get a cent to farm with, some going crazy, some going to hospital, some to the graveyard over worry. I have a lot more to tell you, but will wait till later.

[From the News and Courier, Charleston, S. C., April 6, 1930]

FARM RELIEF FROM WASHINGTON—ABOLITION OF STATE LEVIES ON REAL PROPERTY ADVOCATED

By J. Skottowe Wannamaker

Hon. Merle Thorpe, editor of the great magazine, Nation's Business, one of the best recognized authorities on the complex question of government and taxes; Col. Richard H. Edmonds, editor of the Manufacturer's Record, long the outstanding champion of the South and to-day recognized nation-wide as one of the most forceful writers and best authorities on agriculture, business, and industry; and Mr. J. T. Tolleman, president of the Southern Mortgage Co. of Atlanta, Ga., a successful banker and business man, with wide connections, a recognized authority and student of agriculture and agricultural financing, have each displayed a remarkable grasp and understanding of the problems that will be discussed at the meeting of the farmers and friendly allied lines from all sections of the State at the convention hall of the Jefferson Hotel at 10 a. m. on April 15. The addresses and writings of the three above-named gentlemen on these subjects have attracted nation-wide attention.

A recent address by Mr. Merle Thorpe over the general radio broadcast on the subjects of taxes and government, it is conceded by reputable authorities, is one of the most masterful addresses ever delivered on this most complex subject. There are few men or publications in the entire Nation that wield a greater influence for good than Col. Richard H. Edmonds. Mr. J. T. Holleman's address before a recent gathering of the American Bankers' Association, on agriculture, agricultural finances, and the Government's place in agriculture, received the unanimous approval of every banker in the large gathering and was conceded to be one of the clearest and most forceful presentations of the farmer's and land owner's problem that has been delivered before any gathering since the ruinous artificial deflation policy of 1920.

FARM REHABILITATION

The above three recognized national authorities will be invited to address the meeting April 15. Their addresses and the action of the meeting will receive wide publicity throughout the entire Nation as it is conceded by every thoughtful person that the most serious problem facing the Nation to-day is the agricultural problem and that it is vitally necessary not only in the interest of the farmer and friendly allied lines but to the business industry, the people of the entire Nation and the Government to adopt proper measures for a solution of this problem so that the farmer can rehabilitate. The science of government is only a science of combinations, of application, and of exceptions according to times, places, and circumstances.

It was long claimed that the South was the cry baby of the Nation and that we, of the South, were convinced that the Government was an eleemosynary institution, and, therefore, we must look to the Government for assistance instead of working out our own problems. The nation-wide depressed condition of agriculture to-day, the foreclosure of mortgages, and execution for nonpaid taxes has resulted in creating conditions of poverty and discontent nation-wide among the agricultural producers and friendly allied lines to such an extent that other lines of human activities are being sucked into the cesspool, so that common sense dictates to our mind the fact that Government is a trust, and the officers of the Government are trustees; and both the trust and trustees are created for the benefit of the people. This is

the interpretation placed upon present conditions by leaders representing agricultural and friendly allied lines throughout the Nation, regardless of section or politics.

AGRICULTURAL FINANCING

Neither the farmers nor the representatives of friendly allied lines are responsible for the agricultural depression. The only hope for better conditions lies in giving the farmer an opportunity to rehabilitate, discontinuing the drastic foreclosure of mortgages. The act creating Federal land banks and joint-stock land banks was the united product of a group of able and sincere men selected from various sections of the Nation by President Woodrow Wilson. This body represents his first appointees after taking the oath of office. Their duties as outlined by the President were to "visit the leading agricultural countries of the world, to study their system of agricultural financing for farm homes and farm lands and for production purposes, and to prepare, based upon this information, an act creating a system of agricultural financing for this Nation that would promote home and land ownership and furnish the farmer with production credit, all of which was to be based upon the most successful of the systems of foreign nations."

Our joint-stock land bank and Federal land bank which was a result of the commission so appointed is a duplication of the German banking system for agriculture, which has been in successful operation for over 300 years. Under this system the farmer pays annually 3 per cent, including his interest and amortization fee and he is allowed three years grace for payment in the case of short crops and low prices, and in extreme cases of depression five years are allowed. The foreclosure of mortgages in Germany, and, for that matter, other leading countries, is unknown. Our intermediate credit bank for production purposes is based upon a combination of the German and French system of production credit for farmers. The highest rate of interest charged the farmers in any of the leading agricultural countries abroad is 3 per cent.

MEMORIAL TO CONGRESS

A memorial was recently forwarded to the President and Congress from this State requesting that necessary steps be immediately taken to secure an armistice for three years against foreclosures of mortgages against farms and farm homes by the joint-stock land bank and Federal land bank and that annual payments on said mortgages be reduced 3 per cent and that the intermediate credit banks be investigated and reorganized, pointing out the fact that the American farmer is without productive credit. In other words, in this memorial we simply ask that the American farmer be shown the same consideration that has been granted to the farmers of Germany and other European countries over 300 years. Leaders of agriculture and allied lines of business and industry and many governors, regardless of politics and section of the Nation, have joined us in this respect to the President and Congress. The indications now plainly point to the fact that this request for cessation of foreclosures of real-estate mortgages through the two Federal banks for a term of three years, the Government to protect the bonds secured by said mortgages during the said period and the reduction of interest or annual payment to 3 per cent, will receive the largest indorsement representing a great scope of the Nation than any petition of a similar nature ever presented to the President and Congress.

FARM TAX SALES

Every reputable economist and every person guided by a sense of justice concede the indisputable fact that it is necessary for the farmer to secure for his product cost plus a reasonable profit, and that, therefore, he must add in his cost interest, taxes, transportation—three items that come directly under control of the Government. It is also conceded that low interest rates, reasonable taxes, and fair transportation charges benefit not alone the farmer but the entire commerce and civilization of the Nation. These assessed charges have acted as a thermometer, marking the prosperity of the Nation in which they were granted.

The sale of farms under foreclosure for taxes have broken all records of the past. Estimated average taxes per acre of farm real estate increased 134 per cent from 1913 to 1924. The increases have been still higher since 1924. In fact, by 1928 it had reached 146 per cent above the 1913 level. Taxes on farm property will not decline and will probably continue to increase unless the State provides for effective control over the tendency of increased expenditures. When I addressed the general assembly in 1916 and 1917 with cotton around 40 cents per pound, the appropriation for the State at that time was approximately $2,500,000. When I addressed the Senate last week the expenditures had increased to the vast sum of $11,000,000.

PROPERTY LEVIES REMOVED

State assessment of real estate and homes and State levies have been removed in many of the progressive States of the Nation, several of which I have recently visited. The county only assesses the real estate and levies for county purposes. Taxation for meeting the expenditures of the State are derived from bonds, stocks, cash in banks (deducting for debts due or owing is allowed against cash), luxury sales tax, etc., provide all the necessary revenue. The farmers of South Carolina, the home owners, can not continue to bear the tax burden, nor can the problem be solved by the sale of the property for taxes. The only solution is to change the antiquated system of taxation now in force and adopt the progressive system which has proved so beneficial in many of the other States and to reduce the expenses of government from the State departments on through the county by elimination and consolidation to the fullest extent permitted without destroying efficiency.

South Carolina is one of the few States that continues to ignore the voice of the people as expressed at the ballot box requesting and directing that the legislature meet only once in every two years. Compliance with these instructions in itself would bring about an enormous saving of the taxpayer's money. Every progressive State keeps the taxpayers posted concerning the financial status of the State and of each county in the State, many of them by semiannual financial statements issued by the officials in plain language so that even a layman or farmer can understand it. A similar financial statement showing the assets and liabilities of the State and each county in the State in condensed form and in plain language published in the press of the State and counties would be in line with the custom followed in a vast majority of the States and that has proved highly beneficial.

FINEST COTTON IN WORLD

The constant statements issued through the press to the effect that the old cotton States can not compete with the West—that is, the States beyond the Mississippi—that American cotton is inferior to foreign cotton, that it has not the fiber and staple, is incorrect and has done serious injury. Since 1840 the cry has been made that the Atlantic States can not compete with the West in the production of cotton. Having visited time and again every section of the Cotton Belt and having operated under the American Cotton Association, of which I am president, approximately 5,000 demonstration farms per year since 1922, these farms being operated in every section of the Cotton Belt, I find that the facts are the world has never known of finer cotton farmers than the cotton farmers of South Carolina and other States this side of the river, especially in the older States. I call your attention to statistics on production confirming this statement. The widely and constantly published statement that the American cotton is inferior in fiber and staple has seriously injured the sale of American cotton abroad. There is no superior cotton produced anywhere in the world to the American cotton running in staple from seven-eighths to 1 inch, and a vast majority of the spindles of the world approximately 80 per cent use cotton of seven-eighths inch to 1 inch staple. This constant erroneous statement concerning our staple and fiber has induced other countries of the world to enter more actively into an effort to produce seven-eighths to 1 inch staple cotton, and, to put it into plain common sense, the statement has given American cotton a black eye. Give a dog a bad name and it will hang him applies in this case.

INJURIOUS COMPETITION

The cotton producers of the South are forced to compete on an unequal basis with the cotton producers of other sections of the world where the standard of living is lower, the scale of wages is only a fraction of the wages paid by the cotton producers of America, which wages, I frankly admit, are inadequate. The foreign producers enjoy a far lower rate of interest, and in many of the foreign countries he is subsidized by the government, and as a result of the tariff he is enabled to buy his agricultural implements at a lower price than that paid by the American cotton producer, although these implements are largely manufactured in America. This unfair competition has resulted in increasing the foreign production in cotton since 1903 in the foreign countries of the world 189 per cent, while the cotton producers of America since 1903 have increased the production only 145 per cent, and unless the American Government places the American farmer and American cotton grower on an equal economic basis with other lines in America and grant to them the relief requested concerning the mortgages over lands and homes and the burden of taxation is more equitably distributed, and he is given an equal rate of transportation with the farmers in other leading agricultural nations, then he is doomed to fall by the wayside, as it is impossible for him to compete against the foreign producers on this unequal basis.

PRICE NECESSARY

One of the best recognized authorities in any division of the cotton industry shows that, based on post-war yield of American cotton per acre and on the average market price for cotton for 10 years prior to the World War and on the present purchasing power of the dollar, the cotton farmer must obtain 22¼ cents per pound for his cotton to-day if he is to maintain even his pre-war standard of living. The present consumption of cotton outside the United States is approximately 20,000,000 bales yearly. The United States furnishes only about 40 per cent of this amount. Fifty years ago we furnished three-fourths of the cotton consumed outside the United States. The consumption of foreign production is due to the fact of the foreign producer being subsidized by their government and having a far lower cost of production. The monopoly that we long enjoyed in this field is steadily being destroyed, and the fact that the American farmer is forced to buy with the

heavier assessed charges imposed by the tariff and sell the production from his farm without this protection and enables the foreign producer to take advantage of his adversity.

GOVERNMENTAL RELIEF

It can no longer be charged that the South is the cry baby of the Nation. A fellow's feeling makes us wondrous kind. The farmers nation-wide were deflated promptly, completely, scientifically, and unmercifully in 1920. Almost 10 years later, with their backs against the wall, facing agricultural serfdom, the cry goes up, mark my words, from outstanding leaders of the far West. The surest way to prevent seditions (if the times do bear it) is to take away the matter of them, for if there be fuel prepared it is hard to tell whence the spark shall come that shall set it on fire. Farm relief is purely and certainly a matter of legislation. Relief must come from Washington; it can come in no other way. The desperate condition of agriculture to-day nation-wide is proof of the necessity of this. The American farmer is still saddled with a debt of $12,000,000,000—a debt one billion more than the amount due the United States by the European allies in the Great War. The foreign countries have been given 50 years in which to pay the eleven billion.

Ten per cent of our population own 57 per cent of our wealth. One hundred and eighty million dollars was recently refunded to this wealthy group by the National Government, $8,000,000 was donated by our National Government to Porto Rico as a free gift following the tropical storm of 1928, which storm was also disastrous to the farmers of our States. Porto Rico, in area, is about the size of South Carolina.

TAX PAYMENTS PUT OFF

Some of these States have postponed tax payments. The State of Texas on account of the pressed finance condition of farmers have recently postponed taxes due until November 15. However, there has been no reduction made in the taxes. The farmers throughout the Nation have been forced to sell staple agricultural products for less than the actual cost of production as a result of this and refusal of extension of time for payment forced sales of farming land through foreclosures of mortgage and execution of taxes has broken all records of the past.

The American farmers have been told that they must pay the $12,000,000,000 they owe and must be quick about it. No armistice is granted in this battle the American farmer is waging for self-preservation. He must, therefore, demand of his Government the relief to which he is entitled. In the fight for farm relief our guns must be trained on the Congress of the United States. The industrial, financial, and transportation interests have hog-tied everything. Every interest gets the legislation it needs—the farmer is left holding the bag, he asks no special favors, he does demand that laws which discriminate against him be repealed. He sees red, he has long ceased to weep, he is fighting mad, and he justly takes the position that if other interests are fostered and protected by law, then laws that will protect him must be enacted. This is all that he asks. It is necessary to enable him to compete with the foreign farmers.

FIGHT JUST BEGINNING

The fight for farm relief is just beginning. We are face to face with an economic revolution of such magnitude that it will eclipse any similar revolution that has occurred, certainly, in the last generation. Many thoughtful people are convinced that it will be more far-reaching in its effect than any economic revolution that has ever occurred in this Nation. This being the case, it is natural that the farmers and friendly allied interest from every section of South Carolina will attend the mass meeting that will be held in the convention hall of the Jefferson Hotel April 15, and that the activities of this meeting will be carried in the press to the people of every section of the Nation.

Our immortal John C. Calhoun delivering an address to a similar gathering to the one that will be held on April 15 under somewhat similar conditions, although the suffering of the people had not reached the serious stage that it has to-day, stated in part, "A power has arisen up in the Government greater than the people themselves, consisting of many and various and powerful interests combined into one mass, and held together by the cohesive power of the vast surplus in the banks."

[From the News and Courier, Charleston, S. C., April 27, 1930]

"A NEW DECLARATION OF INDEPENDENCE"

By J. Skottowe Wannamaker, president Farmers and Taxpayers' League

The records of history show that a safe civilization can not be constructed on the "homeless estate of man," that when the farmers owned the land they cultivated they were happy and contented because they were prosperous and independent. No nation has ever prospered permanently when the basic industry—agriculture—was impoverished and the farmers were tenants instead of landowners. Nothing contributes more to the security of our State than its homes. They constitute the foundation of its freedom, the bulwark of its prosperity, the citadel of its virtues, and the source of its patriotism. Henry Grady never uttered a greater truth than when he said, "The ark of the covenant of our Government rests in the homes of the people."

RURAL LIFE MUST BE RESTORED

We must bring back to rural life the attraction and advantages enjoyed in other days, and unless the tax burden, which is resulting in confiscation of homes and farms, is lifted then this will not be possible. Fortunately, there is a way by which the State can protect the homes and farms and can march into an atmosphere of real progress and development. That way is by adjusting our tax laws so that they will not only distribute the tax burden equitably, but will provide the revenue needed by the State. The ad valorem tax levied on the real estate, homes, and personal property for State purposes should be done away with entirely. Taxes against these sources by counties and subdivisions should be drastically reduced. The State should raise its revenue from a tax on corporations, inheritances, franchises, general occupations, luxuries, cash in banks, stocks, bonds, and other intangibles, and a sales tax.

The sales tax has been in use for many years in Italy, Germany, France, Canada, and a number of the progressive States in our Nation. This system is equitable and fair to all, and instead of a tax burden as heretofore being borne by a small per cent of our citizens every citizen of South Carolina will pay something, and it would result in ridding the State of debt and putting it on a cash basis, and would enable the farmers to rehabilitate and would bring back the attractive rural life of other days.

SUCCESSFULLY SOLVED IN PAST

Forty years ago Denmark was a bankrupt country. Its farmers became discouraged and left the farms for the city. At that time 90 per cent of Denmark's farmers were tenants. A great statesman of that nation realized that it would be not only more statesmanlike for the government to come to the rescue of the home and the farm but it was necessary to do so as a matter of self-preservation. Conditions in Denmark at that time were the same as they are in South Carolina to-day. It is through the efforts of this great statesman and coworkers that conditions in Denmark were changed from what they were into what they ought to be, their tax system was revised so that the tax burden was lifted from the home and the farm. A financial system was installed which enabled the farmers to purchase their lands on long terms at an extremely low rate of interest, and production credit was furnished for raising of livestock and crops also at a low rate. To-day 92 per cent of the farms of Denmark are owned by the people cultivating them, her farmers are prosperous, and Denmark is a solvent nation.

DENMARK PLAN SPREADS

The plan originated by Denmark was not only adopted by other Scandinavian countries but likewise by Germany, France, Italy, and other of the leading foreign agricultural countries, and all of these countries gave special consideration to taxes against farms and homes. The farmers of the three countries named, in addition to Denmark, have been greatly benefited and thus have contributed directly to all lines of industry and commerce in these nations as agriculture is basic. The average bank deposit of the individual farmers in these countries is far in excess of the average deposit of the American farmer; in fact, as a result of this system even prior to the time of the Franco-Prussian War it had so added to the wealth of the farmers of France that the Franco-Prussian War debt was paid overnight by the French farmers checking on their savings accounts.

It is a fundamental principle of political economy that public debt must be avoided if possible and that bond issues are never justified unless first an emergency exists and the money required for improvements is not otherwise available, and, second, unless improvements to be made are of a permanent nature and will last as long, at least, as the terms of the bond. These fundamental principles of economics have been ignored in our State. Bonds for various and sundry purposes, for municipalities, for school districts, counties, and State have been issued in an endless chain. It has frequently been the case that when the bond matured it was retired in a new issue; in fact, with some of our State bonds—tracing them back to the original issue they are hoary with age. Any adherence to the simplest form of sound business would require that the sinking fund be collected on bonds and that these sinking funds be applied annually. Stupendous amounts have been lost during the last few years on account of the nonadherence of this rule in a number of the counties of the State on account of the failures of banks in which were deposited sinking funds.

STRICT ECONOMY NECESSARY

The strictest economy should be practiced by those in charge of the taxpayers' money, because the tax rate of the State automatically responds to the expenditures authorized by the legislature and those in charge of the finances of the State, and it would seem that they fail to bear in mind the fact that the government of South Carolina has no way of coining money. It possesses no wealth apart from that owned by the people collectively. It has no revenue except as it may acquire from taxes. We have reached the parting of the way. The home and the farm can not continue to pay the ever-increasing burden.

BUREAUCRACY GROWS

The administrative machinery of our State government as now constituted consists of the constitutional government—that is, the elective government and the appointed government. The commissions and bureaus were formed to fill some real or apparent need and some were formed without regard or consideration of work being done by some other bureau, commission, or department then existent. Like mushroom the system sprung up during the World War; like mushroom it has poisoned democracy. There must be a drastic revision of the entire administrative branch of the Government. It is far too expensive in proportion of the work done or good accomplished. It is cumbersome, top-heavy. The departments must be reorganized from the top to the bottom and coordinated so as to eliminate duplication and overlapping of effort. All useless departments must be abolished. Departments that are doing work along the same lines must be consolidated. The reorganization of our Government will not only increase the efficiency but will result in a direct saving of a very large sum to the taxpayers. The fact that our annual appropriation, when cotton was selling at 40 cents per pound and other products of the farm on an equal basis, was less than one-third of the appropriation of to-day presents proof that the taxpayers are being burdened far beyond the amount necessary to obtain an efficient Government in all departments.

DEAR PEOPLE PAY BILL

The expense of the State government is far in excess of the amount indicated by the annual appropriation. The iniquitous practice of using a part of the fines, fees, licenses, or whatnot for paying the individual or department collecting the tribute is just as much a part of the appropriation as it would be were these fines, fees, licenses, or whatnot paid over to the proper authorities in full, as they should be, and then a check issued on a proper voucher to pay the amount due the individual, the commission, the bureau, or whatnot. These collections are just as much a direct tax as if they bore the correct name of tax—that come out of the pockets of the "dear" people. It is possible that they do not put as much bad taste in their mouth; however, it has the same effect upon the pocketbook as it drains it.

The best government is that which is the nearest and closest to the people. It is vitally important in a democratic form of government that those who occupy positions of trust and power are directly responsible to the people. The elective franchise is the surest safeguard for the protection of the masses. There are, however, those—and this army is steadily growing—who are afraid to trust the people and insist upon this appointed government instead of electing by popular vote the heads of the departments. I challenge such a statement and repudiate the false theory that the people are not capable of electing their officers.

PEOPLE GENERALLY RIGHT

I admit that the people are human and therefore will make mistakes, but history proves that the choice of the people has been wisely made in a vast majority of elections conducted in this State since it was formed. The people choose many officials who would never have been selected by the manipulation usually practiced in the appointed power. These men so selected, many of them rendered a great service to the State, and those elected by the people will compare with great credit to those elected through the appointed power. I do not claim that good and able men are not appointed. I do, however, claim that we should adhere closely to the landmarks of our fathers, the Constitution, and that we should trust the people and should not take away from them this priceless heritage, the foundation of democracy, the right and privilege to select our officials through the elective franchise, the surest safeguard for the masses and the protection of the Constitution.

If the people are capable of electing a President of the United States, a governor, United States Senator, a Congressman, and other State and county officials, surely they are capable of electing the head of every necessary bureau or commission unless we are to ignore the written lessons of history. These records show that bureaucracy has caused the downfall of democracy; in fact, has destroyed all forms of government in which the people were permitted to have even the slightest form of democracy. It is the most extravagant of all forms of government; in fact, bureaucracy is recognized as a fortress of nepotism, the incubator from which officeholders are bred so that the army of officeholders continue to increase under this system and the Government will finally be absolutely dominated by bureaucracy, and one generation of bureau aristocrats will pass to their children the official positions that they hold. With 1 person out of every 11 an employee of the Government, it is time to stop, look, and listen.

DECLARATION OF INDEPENDENCE

Since the formation of the Farmers and Taxpayers' League on April 15 letters have poured into headquarters from practically every section of every county in South Carolina indorsing the manifesto which was issued by the league. Many term this manifesto a new declaration of independence. These letters of indorsement and pledged cooperation come from farmers and allied lines; in fact, there is no division. The league seems to have the indorsement of all right-thinking people. These letters, however, are not confined to South Carolinians alone. Many have been received from people in distant States, and we are assured by leaders of recognized authorities that success along the lines we are working will prove of untold benefit to the best interest of the people at large. One of the best authorities in the Nation, a great financial leader, makes the following statement:

"South Carolina offers a greater opportunity for safe and profitable investment than any other State in the Nation, provided the antiquated system of taxation is abolished and a modern system installed in its place. The present ad valorem system of taxation is confiscatory against visible property. Investments in real estate for farming, stock and poultry raising, homes, investments in industries and business will be attracted to your State from all sections of the Nation provided you install a sane system of taxation in line with the tax system adopted by the progressive States, and provided your governmental machinery is reorganized and placed on a sane, solid, business basis. Capital is timid; it is knocking at your door and it will never enter your State until these necessary modern reforms have been put into effect.

OFFICERS WITHOUT COMPENSATION

The officers of the Farmers and Taxpayers' League are giving of their time and finances purely as a matter of service to the State. The State is being thoroughly organized from the township through the counties up to the State, so as to enroll in the league all people who are interested in changing conditions in South Carolina from what they are into what they ought to be. The league does not lack for pledges of commendation and cooperation. It does, however, lack for finances for stamps, stationery, stenographic help, and traveling expenses. The officers, executive committee, and board of directors are as follows:

J. Skottowe Wannamaker, president; Neils Christensen, first vice president and secretary; A. R. Johnston, second vice president and treasurer; Carl B. Epps, third vice president; Pierre Mazyck, assistant secretary.

Executive committee: A. R. Johnston (chairman), J. S. Wannamaker, C. B. Epps, Neils Christensen, Frank W. Shealy, A. F. Lever, John W. Drake, S. J. McCoy, and J. B. Johnson.

Board of directors: F. W. Shealy (chairman), members of the executive committee, and the following: W. C. White, Chester; J. B. Johnson, Rock Hill; George B. Laney, Chesterfield; J. B. Lane, Bishopville; J. C. Bethea, Dillon; E. W. Evans, Bennettsville; Nathan Evins, Marion; Edgar L. Ready, Johnston; A. I. Barron, Manning; J. Fletcher Smith, Gaffney; J. S. Stark, Abbeville; S. J. McCoy, Holly Hill; Edgar L. Culler, Orangeburg; W. L. DePass, Camden; James Morse, jr., Cameron; J. P. Guess, Bamberg; Joe Bouknight, Johnston; J. S. Whaley, Charleston; O. P. Goodwin, Laurens; J. Russell Williams, Berkeley; Paul Sanders, Walterboro; J. I. Johns, Allendale; Doctor Wyman, Estill; Quince Cannady, Barnwell; Burney Davenport, Greenwood; Frank Raysor, Greenville; L. J. Browning, Union; W. H. Wicker, Newberry; J. Frank Williams, Sumter; W. C. Wilson, Cades; W. A. Rigby, Reevesville; C. J. Holliday, Gallivants Ferry.

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NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

The VICE PRESIDENT. The Senator from Rhode Island [Mr. HEBERT] is entitled to the floor.

Mr. FESS. Mr. President, will the Senator from Rhode Island yield to me to enable me to suggest the absence of a quorum?

Mr. HEBERT. I yield for that purpose.

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Smoot
Ashurst	Frazier	McKellar	Steiwer
Baird	Gillett	McNary	Stephens
Barkley	Glass	Metcalf	Sullivan
Bingham	Glenn	Norris	Swanson
Black	Goldsborough	Nye	Thomas, Idaho
Blaine	Gould	Oddie	Thomas, Okla.
Blease	Greene	Overman	Townsend
Borah	Hale	Patterson	Trammell
Bratton	Harris	Phipps	Tydings
Brock	Harrison	Pine	Vandenberg
Broussard	Hastings	Pittman	Wagner
Capper	Hatfield	Ransdell	Walcott
Caraway	Hawes	Robinson, Ark.	Walsh, Mass.
Connally	Hayden	Robinson, Ind.	Walsh, Mont.
Copeland	Hebert	Robsion, Ky.	Waterman
Couzens	Howell	Schall	Watson
Cutting	Johnson	Sheppard	Wheeler
Dale	Jones	Shipstead	
Deneen	Kendrick	Shortridge	
Dill	Keyes	Simmons	

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement stand for the day.

Mr. SHEPPARD. I announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

Mr. OVERMAN. Mr. President, will the Senator from Rhode Island yield to me to have a telegram read?

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from North Carolina for that purpose?

Mr. HEBERT. I yield.

Mr. OVERMAN. I ask that there may be read at the desk a telegram which was sent to the Senator from Nebraska [Mr. NORRIS] and handed to me by him.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

CHARLOTTE, N. C., *May 1, 1930.*

Senator NORRIS, of Nebraska,

United States Senate, Washington, D. C.:

The use of my name by Senator OVERMAN in a recent speech in the Senate as supporter of confirmation of Judge Parker as Associate Justice of United States Supreme Court is without warrant. I resent it. I have had no communication with anyone on the subject.

EDWIN FRENCH TYSON.

Mr. OVERMAN. Mr. President, I do not know this man at all. I do know the man whose letters I placed in the RECORD. I know him personally. He lives in a different town than does the man who sends the telegram. The man whose letters I placed in the RECORD lives in Burlington, N. C., while the man who sends the telegram sends it from Charlotte, N. C. I do not know whether he is white or colored. The letters which I placed in the RECORD were from a prominent colored man who was employed for a long time here in Washington, who resides in Burlington, N. C., and stands high in my State, and he is the head of some association of tailors. I have had two communications from him, which I placed in the RECORD, and not a letter from the man who sends the telegram. I do not know who the man is who sends the telegram.

Mr. HEBERT. Mr. President, in the course of my remarks yesterday I referred to Judge Parker's education and legal training, and said that notwithstanding he worked his way through college he made one of the most brilliant records in that institution; that he led his class in scholarship; that he was president of the Phi Beta Kappa; that he won prizes in Greek, economics, and law; that he was accorded the orator's medal, the most-coveted prize of the undergraduate school; that he was president of his class; and that the honorary degree of doctor of law has been conferred upon him by the university of which he is a graduate.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Ohio?

Mr. HEBERT. I yield.

Mr. FESS. In connection with the reputation which Judge Parker made in the university, word has come to me that the university regards him as the most brilliant man who has ever been graduated from the institution since the Civil War.

Mr. HEBERT. I am glad to have the Senator make that comment.

I also referred to Judge Parker's participation in politics in his home State of North Carolina, where he was a candidate for Congress and for the office of governor on the Republican ticket, and I mentioned the fact that during the four and one-half years he has served as a judge of the Circut Court of the Fourth Circuit he has sat in more than 450 cases and has written 184 opinions, many of them looking toward the liberalization of procedure in the Federal courts.

I also took occasion to refer to the sources of opposition to his confirmation, and when the recess was taken I was discussing his attitude toward labor as disclosed in the decision in the Red Jacket case. I mention these facts at this time in order that Senators may better follow the thread of my argument as it shall be developed this morning.

Mr. President, it has been urged that his attitude toward the right of the laboring man in controversies with employers is apparent from this single opinion. As to the scores of other opinions written by him and the numerous others in which he has concurred during his years of service on the bench no word of criticism has been raised. Does this mean that his every other judicial utterance has been satsisfactory to his opponents and that they have, perforce, only this one decision upon which to base the contention that his attitude toward labor is not such as its leaders feel should be possessed by members of the United States Supreme Court? Is it possible that not one other of the cases in which he has participated involved any of the rights of those represented by his opponents? And if not, what of the judicial attitude revealed therein?

That a judge must recognize the doctrine of stare decisis and be governed thereby in his decisions can not successfully be controverted. Would those who now oppose the confirmation of Judge Parker have had him reject the rulings of the lower court in the so-called Red Jacket case, only to meet with an inevitable reversal by the Supreme Court? Would such a course have demonstrated that he was better qualified to sit as a member of that tribunal to which he has been nominated? To ask that question is to answer it.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. SULLIVAN in the chair). Does the Senator from Rhode Island yield to the Senator from Tennessee?

Mr. HEBERT. I prefer not to yield until I conclude my argument.

Mr. McKELLAR. I merely wanted to ask the Senator whether he thought that if Judge Parker had followed the modification of the Hitchman case, as found in the Tri-City case, he would have been reversed—that is, whether he would have been reversed for following the opinion of Chief Justice Taft in the Tri-City case?

Mr. HEBERT. To begin with, there has been no modification of the Hitchman case by the Tri-City case—absolutely none. The two cases are not similar, because there were elements in the Red Jacket case which are not found in the Tri-City case. In fact, as I shall set forth in the course of my argument, the representatives of miners' unions brought that very question to the attention of the Supreme Court in their application for a writ of certiorari, and the Supreme Court refused to review the case.

The Red Jacket case and companion cases were suits brought by coal-mining companies in West Virginia to enjoin the United Mine Workers who had declared a strike in an attempt to unionize the fields from interfering with the companies' employees by violence, threats, intimidation, picketing, and the like, or by procuring them to breach their contracts with the plaintiffs. The trial court found that the defendants were maliciously endeavoring to cause the employees of the plaintiffs to violate their contracts of employment with the plaintiffs, and were, by force, intimidation, and violence, endeavoring to compel the plaintiffs' employees to cease work, and enjoined these acts.

On appeal to the circuit court of appeals, one question earnestly pressed was that the defendants were not interfering with interstate commerce and, therefore, the Federal courts had no jurisdiction. The circuit court of appeals held that interstate commerce was involved and based its decision on the Coronado case (268 U. S. 295).

Another point urged by the mine workers in the circuit court of appeals was that the injunction was too broad and went beyond injunction against force, violence, and intimidation, and, in effect, enjoined interference with the plaintiffs' employees by means of peaceful persuasion. The opinion discloses that plaintiffs' employees had entered into contracts that they would not join the union while remaining in the plaintiffs' service. In his opinion Judge Parker says:

> What the decree forbids is this, "inciting, inducing, or persuading the employees of plaintiff to break their contracts of employment"; and what was said in the Hitchman case with respect to this matter is conclusive of the point involved here.

It is submitted that Judge Parker's attitude toward the right of neither the employee nor of his employer in labor disputes is apparent from his opinion in the Red Jacket case. His duty in that case was clear. He had no alternative. That he did not indulge in gratuitous expressions of sympathy for defendants' cause has been cited as an indication of a general personal attitude. Would he have shown a superior ability to serve in the position to which he has been nominated, had he expressed himself personally opposed to the existing state of the law as to the matter then before him but had, nevertheless, decided the case as he did?

Attention is directed to the fact that the opinion in the Red Jacket case is noticeably free from expressions of any kind which are not directly related to the question at issue. It seems, however, that the opinion repeatedly recognizes the right of the

laboring man and of the organizations designed for his betterment. Early in the opinion Judge Parker states:

In the first place, we do not think that the international organization, United Mine Workers of America, constitutes of itself an unlawful conspiracy in restraint of interstate trade and commerce because it embraces a large percentage of the mine workers of this country or because its purpose is to extend its membership so as to embrace all of the workers in the mines of the continent. It may be conceded that the purposes of the union, if realized, would affect wages, hours of labor, and living conditions, and that the power of its organization would be used in furtherance of collective bargaining, and that these things would incidentally affect the production and price of coal sold in interstate commerce. And it may be conceded further that by such an extension of membership the union would acquire a great measure of control over the labor involved in coal production. But this does not mean that the organization is unlawful.

Later Judge Parker quotes from the opinion in the case of American Foundries *v.* Tri-City Council (257 U. S. 184), as follows:

Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court. The strike became a lawful instrument in a lawful economic struggle or competition between employer and employees as to the share of division between them of the joint product of labor and capital. To render this combination at all effective, employees must make their combination extend beyond one shop. It is helpful to have as many as may be in the same trade in the same community united, because in the competition between employers they are bound to be affected by the standard of wages of their neighborhood.

Judge Parker then said:

What is said in this case as to the effect of the standard of wages on competition between employers applies in the coal industry, not to a restricted neighborhood but to the industry as a whole; for in that industry the rate of wages is one of the largest factors in the cost of production and affects not only competition in the immediate neighborhood but that with producers throughout the same trade territory. The union, therefore, is not to be condemned because it seeks to extend its membership throughout the industry. As a matter of fact, it has been before the Supreme Court in a number of cases, and its organization has been recognized by that court as a lawful one. We have no hesitation, therefore, in holding that the defendants are not guilty of a conspiracy in restraint of trade merely because of the extent and general purpose of their organizations.

Near the close of the opinion Judge Parker states:

It is said, however, that the effect of the decree, which, of course, operates indefinitely in future, is to restrain defendants from attempting to extend their membership among the employees of complainants who are under contract not to join the union while remaining in complainants' service, and to forbid the publishing and circulating of lawful arguments and the making of lawful and proper speeches advocating such union membership. They say that the effect of the decree, therefore, is that, because complainants' employees have agreed to work on the nonunion basis, defendants are forbidden, for an indefinite time in the future, to lay before them any lawful and proper argument in favor of union membership.

Then Judge Parker goes on to say:

If we so understood the decree, we would not hesitate to modify it. As we said in the Bittner case, there can be no doubt of the right of defendants to use all lawful propaganda to increase their membership.

The final quotation in the opinion, the insertion of which reveals the absence of any attitude prejudicial to the interests of the laboring man, is found toward the bottom of page 850. This quotation is taken from the opinion in the case of Gasaway *v.* Borderland Coal Co. (278 Fed. 56), and reads as follows:

So far as the contracts themselves and this record disclose, the check-off is the voluntary assignment by the employee of so much of his wages as may be necessary to meet his union dues and his direction to his employer to pay the amount to the treasurer of his union. In that aspect the contract provision is legal, and quite evidently there are many 'awful purposes for which dues may be used.

In Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229), upon which Judge Parker relied and which he believed to be controlling in the Red Jacket case, the Supreme Court said in its decision:

Another fundamental error in defendants' position consists in the assumption that all measures that may be resorted to are lawful if they are "peaceable"—that is, if they stop short of physical violence or coercion through fear of it. In our opinion, any violation of plaintiff's legal rights contrived by defendants for the purpose of inflicting damage, or having that as its necessary effect, is as plainly inhibited by the law as if it involves a breach of the peace. A combination to procure concerted breaches of contract by plaintiff's employees constitutes such a violation, that is, a violation of the plaintiff's legal rights.

It does not appear from Judge Parker's opinion that any question was raised by counsel in the Red Jacket case as to the validity of the contracts between the plaintiffs and their employees by which the latter agreed not to join the union. An examination of the briefs of counsel filed in this case discloses no suggestion or contention that the contract between the mining companies and their nonunion employees prohibiting the latter from joining the union was illegal or void as against public policy or for any other reason. Counsel, as well as the circuit judges, quite correctly considered the Hitchman case conclusive on that point, for in its opinion (245 U. S. 250) the Supreme Court had declared:

That the plaintiff was acting within its lawful rights in employing its men only upon terms of continuing nonmembership in the United Mine Workers of America is not open to question. * * * The same liberty which enables men to form unions, and through the union to enter into agreements with employers willing to agree, entitled other men to remain independent of the union and other employers to agree with them to employ no man who owes any allegiance or obligation to the union. In the latter case, as in the former, the parties are entitled to be protected by the law in the enjoyment of the benefits of any lawful agreement they may make. This court repeatedly has held that the employer is as free to make nonmembership in a union a condition of employment as the workingman is free to join the union, and that this is a part of the constitutional rights of personal liberty and private property, not to be taken away even by legislation unless through some proper exercise of the paramount police power. (Adair *v.* United States, 208 U. S. 161; Coppage *v.* Kansas, 236 U. S. 1.) * * *

Plaintiff, having in the exercise of its undoubted rights established a working agreement between it and its employees, with the free assent of the latter, is entitled to be protected in the enjoyment of the resulting status, as in any other legal right. That the employment was "at will" and terminable by either party at any time is of no consequence.

Mr. Justice Brandeis wrote a dissenting opinion in the Hitchman case, but his dissent was not based on a suggestion that the contract between the employer and its employees not to join the union was unenforceable or void. On the contrary, he said (p. 271):

In other words, an employer, in order to effectuate the closing of his shop to union labor, may exact an agreement to that effect from his employees. The agreement itself being a lawful one, the employer may withhold from the men an economic need—employment—until they assent to make it.

His dissent was based on the proposition, not that the contracts were unlawful, but that the union men did not induce the plaintiff's employees to violate their terms (p. 272). This contention was expressly rejected in the ruling opinion of the court (p. 255).

Whatever reasons might have been advanced for assailing such contracts on grounds of public policy, Judge Parker and his associate judges were constrained by the decision of the Supreme Court in the Hitchman case to disregard them. No such point was made by counsel in the Red Jacket case, who must have regarded the right to make such contracts as settled in the Supreme Court of the United States.

On the other question, as to whether any actionable wrong justifying an injunction was committed by the union men in attempting by peaceable means to induce nonunion employees to violate their contracts of employment by joining the union, Judge Parker again bases his decision on the Hitchman case where substantially similar contracts were involved, and the Supreme Court held that peaceful efforts by the strikers to induce the company employees to agree to join the union while remaining in plaintiff's employ were properly enjoined.

There does not appear to be a point decided in the Red Jacket case on which Judge Parker assumed to exercise any independent judgment or opinion. He and his associates felt bound by the Supreme Court decisions. In holding the contracts valid and that peaceable efforts to induce the nonunion

men to break them were properly enjoined, he merely quoted rulings to that effect in the Hitchman case. Nowhere are pressed or indicated any personal views about any of these questions. He had no freedom of judgment on any of them; he was bound by the decisions of the Supreme Court, which he could not refuse to follow. The Hitchman case itself had originated in the Circuit Court of Appeals for the Fourth Circuit before Judge Parker became a member of that court, the circuit court of appeals had denied an injunction, and its decision was reversed by the Supreme Court in the Hitchman case. What would have been the fate of a decision by Judge Parker in the Red Jacket case contrary to that which he rendered is indicated by the fact that the United Mine Workers filed a petition for a writ of certiorari with the Supreme Court of the United States, asking that court to review Judge Parker's decision, and the petition for certiorari was denied (275 U. S. 536).

To refuse to confirm the nomination of Judge Parker for his decision in the Red Jacket Coal Co. case will amount to refusing to confirm him because he followed and gave binding effect to the decisions of the Supreme Court of the United States. At least he considered the cited decisions of the Supreme Court to be controlling in the Red Jacket case, and no one has yet pointed out any ground on which the Hitchman case and the Red Jacket case may properly be distinguished.

The question is not whether the Supreme Court was right or wrong in its conclusion. The question is whether Judge Parker was dealing with points which had been settled by the Supreme Court which he was bound, under his oath of office, to follow. He and his two associates based their decision upon the controlling authority of the Hitchman case as they were constrained to do, but even in this they were careful not to go beyond the dictates of that decision.

The argument has been made against Judge Parker's decision in the Red Jacket case that the Supreme Court of the United States in American Steel Foundries *v.* Tri-City Council (257 U. S. 184), decided after the Hitchman case and before Judge Parker decided the Red Jacket case, in some way qualified or modified the ruling in the Hitchman case so as to have afforded Judge Parker a basis for distinguishing the Red Jacket case from the Hitchman case. It has been claimed that the opinion of the court in the American Steel Foundries case indicated that the injunction granted in the Hitchman case against interference with the contracts between employers and employees was directed only at such interference accompanied by deceit and misrepresentation, and that as the interference with the contracts proved in the Red Jacket case was not accompanied by deceit, concealment, and misrepresentation, the cases are distinguishable.

In the first place, it will be noted that in the American Steel Foundries case the question of interference with contractual rights was not even presented, and there was no contention or evidence that any contract had been made between the employer and employee respecting membership in unions. So the result is that in the American Steel Foundries case the court did not consider or decide any question as to interference with contractual rights. In its opinion in the American Steel Foundries case the Chief Justice said that the Hitchman case had no application. In its opinion in the American Steel Foundries case the court, referring to the Hitchman case, said that the plan there involved was carried out (1) by the use of deception and misrepresentation with its nonunion employees, (2) by seeking to induce such employees to become members of the union contrary to the express terms of their contract of employment that they would not remain in complainant's employ if union men, and (3) after enough such employees had been secretly secured, suddenly to declare a strike against the complainant, and said:

> This court held that the purpose was not lawful, and that the means were not lawful, and that the defendants were thus engaged in an unlawful conspiracy which should be enjoined. The unlawful and deceitful means used were quite enough to sustain the decision of the court without more. The statement of the purpose of the plan is sufficient to show the remoteness of the benefit ultimately to be derived by the members of the international union from its success and the formidable country-wide and dangerous character of the control of interstate commerce sought. The circumstances of the case make it no authority for the contention here.

Thus there was no attempt in the Tri-City case to overrule, qualify, or limit the decision rendered in the Hitchman case. The criticism of Judge Parker's decision in the Red Jacket case, made upon the floor of the Senate to the effect that the Hitchman case did not control the Red Jacket case, because in the former there was deceit and misrepresentation not present in the latter, was fully presented to the Supreme Court in the Red Jacket case in a petition for certiorari to review Judge Parker's decision. The contention that the American Steel Foundries case has confined the Hitchman case to cases of concealment or misrepresentation was squarely presented in this petition, as follows:

> Petitioners show that by said contracts the respondents, operators in the five mining districts of West Virginia, have undertaken to insulate their nonunion labor from peaceable persuasion to quit work and join the union, and that the effect of the decision of the circuit court of appeals is to make such insulation effective; that this holding is in direct conflict with the holding of this court in the case of American Steel Foundries Co. *v.* Tri-City Council (257 U. S. 184), and is also in direct conflict with the decision of the Circuit Court of Appeals for the Seventh Circuit in the case of Gasaway *v.* Borderland Coal Corporation (278 Fed. 56), involving the very same alleged contracts referred to by the courts below in this case.

The petition further states as one of the questions involved and sought to be reviewed:

> Did the district court of the United States and the Circuit Court of Appeals of the Fourth Circuit err in enjoining and restraining the officers and members of the United Mine Workers of America from persuading the employees of respondents to become members of the union and cease work?

This question is argued in the brief submitted in support of the petition, which concludes:

> The significance of the situation is revealed in these suits. The nonunion operators of West Virginia and of other unorganized coal fields have universally resorted to individual contracts, in which the helpless and often ignorant employee, working at will, agrees that he will not join the union and continue his employment. And on the assumption that these contracts have insulated their nonunion labor the operators secure injunctions that not merely by terror but by their terms prevent the union, under hazard of fine and imprisonment, from carrying the persuasive argument of their craft organization to those who are without its membership. This is done despite the opinion of this court in the Steel Foundries case. It is done because of a fancied restraint imposed upon the lower courts not by the opinion in the Hitchman case but by the form of decree deemed proper under the facts of that case. And yet in the Foundries case it was carefully pointed out that in the Hitchman case "the unlawful and deceitful means used were quite enough to sustain the decision of the court without more."

The petition for certiorari in the Red Jacket case was thus based upon the ground that Judge Parker's decision was in conflict with the Hitchman case as limited and construed in the case of American Steel Foundries against Tri-City Council. Petition for certiorari was denied, and the criticism of Judge Parker's decision which is now made in the Senate seems thus to have been rejected by the Supreme Court of the United States. The question involved in the Red Jacket case was of public importance. If there had been any substantial basis for the contention that Judge Parker had failed to follow the analysis of the Hitchman case, made in the American Steel Foundries case, no doubt the petition for certiorari would have been granted.

The opinion of the Supreme Court in the Hitchman case was explicit. The court said:

> Another fundamental error in defendants' position consists in the assumption that all measures that may be resorted to are lawful if they are "peaceable"; that is, if they stop short of physical violence or coercion through fear of it. In our opinion, any violation of plaintiff's legal rights contrived by defendants for the purpose of inflicting damage, or having that as its necessary effect, is as plainly inhibited by the law as if it involved a breach of the peace. A combination to procure concerted breaches of contract by plaintiff's employees constitutes such a violation.

The opinion of Judge Parker in the Red Jacket case discloses the careful consideration which he gave not only to the opinion of the Supreme Court in the Hitchman case but to the provisions of its decree, for there he said:

> With respect to the second paragraph complaint is made that it restrains defendants "from inciting, inducing, or persuading the employees of the plaintiffs to break their contract of employment with the plaintiffs." This language is certainly not so broad as that of the decree approved by the Supreme Court in Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229), which also enjoined interference with the contract by means of peaceful persuasion.

The argument against Judge Parker's confirmation is thus based on the theory that he should have rejected the explicit statements of the majority opinion of the Supreme Court in the Hitchman case and followed an alleged suggestion in the opinion of the Supreme Court in the American Steel Foundries case, which did not present any question relating to interference with contracts between employers and employees.

Mr. President, this morning I was handed a telegram addressed to Senator HATFIELD by T. C. Townsend. It is dated Charleston, W. Va., April 30. Mr. Townsend was counsel for the United Mine Workers of America in the Red Jacket case, and I think it would be of interest for Senators to know his attitude upon the decision in that case, as it is revealed in this telegram, which I ask the clerk to read.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read as follows:

CHARLESTON, W. VA., *April 30, 1930.*

Hon. H. D. HATFIELD,

United States Senator, Washington, D. C.:

If the press reports correctly the statements of Senator BORAH made in the United States Senate in opposition to the confirmation of Judge Parker, he not only misrepresents attorneys who appeared for the United Mine Workers in the Red Jacket case but also misconstrues the decisions of the Supreme Court of the United States relating to what is commonly known as the "yellow-dog" contract. The "yellow-dog" contract was first before the Supreme Court of the United States in the case of Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229). First decided in Coppage *v.* Kansas (236 U. S.). In this case the Supreme Court of the United States sustained an injunction issued by the District Court for the Northern District of West Virginia enjoining representatives of the mine workers' organization from persuading employees of said coal company, who were under contract, to violate their contracts of employment. Senator BORAH makes the statement that Judge Parker in rendering the decision in the Red Jacket case should have followed the doctrine of the case of American Foundries *v.* Tri-City (257 U. S. 184). May I direct your attention to the fact that in the Tri-City case no contract of employment whatsoever existed between employer and employee. In other words, the "yellow-dog" contract was not involved directly or indirectly in that case. It was involved in the Hitchman case. The facts of the two cases in so far as the contract of employment was involved were entirely different. Counsel for the mine workers in the Red Jacket case relied upon the Tri-City case and undertook to distinguish that case from the Hitchman case. At page 189 of brief of appellants is found this language:

"Our construction of the court's opinion in the Hitchman case is that it justified the injunction on the ground of the unlawful means, deceptions, and threats shown in that case, for the court said that the defendants had proceeded (p. 261) 'without physical violence, indeed, but by persuasion accompanied with threats of a reduction of wages and deceptive statements as to the attitude of the mine management, to induce plaintiff's employees to join the union and at the same time to break their agreement with plaintiff by remaining in its employ after joining and this for the purpose not of enlarging the membership of the union, but of coercing plaintiff through a strike or the threat of one, into recognition of the union.' 'The jurisdiction of the Federal court was based on divers citizenship, which does not exist here, and if plaintiffs had any right they should have asserted the same in the State courts.'

"These quotations from the opinion of the court amply justify us in concluding that the reasons assigned by the court for sustaining that injunction in that case were the unlawful methods used to induce the employees of the plaintiffs to join the union, and that threats and deceptions were used which it is claimed was evidence of malice; and if the defendants had confined themselves to peaceable persuasion, lawful propaganda, and the address to reason, in inducing the employees of the plaintiff to openly join the union, then no injunction would have been sustained.

"Our views of the proper construction of the court's decision in the case of Hitchman against Mitchell is confirmed by the later case of American Foundries Co. *v.* Tri-City (257 U. S. 184).

"So it will be seen that the court in this last case clearly indicates that the 'unlawful and deceitful means used' were the basis of the court's decision in the Hitchman case.

"The case of American Foundries against Tri-City Central Trades Council, supra, amply sustains our view as to the right of the United Mine Workers to enlarge its union by appealing to nonunion miners by argument, persuasion, and reason to become members of the union; and if necessary, to the extension of the union and procuring the increased wage scale, to encourage a strike conducted along lawful and peaceable lines, and in any case where the court has jurisdiction the injunction should not forbid persuasion, propaganda, and appeal to reason; but any injunction should only forbid the use of unlawful, deceptive, and violent means to extend the union."

Judge Parker in the Red Jacket case held that the doctrine laid down in the Hitchman case was applicable to the facts in the Red Jacket case rather than the doctrine laid down in the Tri-City case. He followed the Hitchman case rather than the Tri-City case. The Supreme Court of the United States refused to review the Red Jacket case, thereby confirming the opinion of Judge Parker. The opinion of Judge Parker in the Red Jacket case to-day stands confirmed by the Supreme Court of the United States by reason of its refusal to review the case.

The major question involved in the Red Jacket case, however, was one of jurisdiction and not the "yellow-dog" contract. This clearly appears from the opinion of the court and the record in the case.

T. C. TOWNSEND.

Mr. HEBERT. Reference has been made here to the so-called "yellow-dog" contract. I hold in my hand a copy of one of these contracts, which I read:

CONTRACT

I hereby apply for work with the ——— company, and agree to accept for my employment in such capacity a wage of ——— cents per hour; if by piece work rate will be ———; the work, wages, and hours being subject to revision on option of the company, and it will be considered as acceptable by me if I remain in the employ of the company hereafter.

I accept the company's right, at its option, to operate its plants and mines such number of hours each shift as the requirements of business demand.

I reserve the right to leave the company's employ at any time upon such reasonable notice to the superintendent of my department that will afford him time to fill my place. The company may, at its option, dispense with my service for any cause which the company may deem sufficient.

I agree during employment under this that I will work efficiently and diligently and will not participate in any strike nor unite with employees in concerted action to change hours, wages, or working conditions. I further declare that I am not a member of the I. W. W. or any other communistic or like organization, nor will I join such while in the company's employ.

I agree to abide faithfully by all the rules of the company as posted on its premises or outlined by the superintendent of my department.

The company agrees to pay the wages earned by me regularly semimonthly and to enable me to maintain as far as possible a regular income by uninterrupted operation.

When this application as indorsed is accepted by the company it shall become a binding contract between myself and the company as long as I remain in the company's employ.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. HEBERT. I yield.

Mr. JOHNSON. May I inquire whether or not that is the contract which was at issue in the Red Jacket case?

Mr. HEBERT. Mr. President, I am not advised as to that. I will say, for the information of the Senator, that the form which I have just read is one which was furnished to me by representatives of the American Federation of Labor.

Mr. JOHNSON. Was there an agreement there upon the part of the employees to join no union?

Mr. HEBERT. Yes; there was. Let me reread that particular condition of the contract.

I agree during employment under this that I will work efficiently and diligently and will not participate in any strike nor unite with employees in concerted action to change hours, wages, or working conditions. I further declare that I am not a member of the I. W. W. or any other communistic or like organization, nor will I join such while in the company's employ.

Mr. NORRIS. Mr. President, is there anything in that contract which prohibits the employer from joining an association of employers?

Mr. HEBERT. There is no mention of it.

Mr. NORRIS. I assume, then, that while the employee agrees not to join any union, the employer has the right to join a union or an association of employers if he wants to?

Mr. HEBERT. I should assume that to be so.

Mr. NORRIS. Is there anything in the contract requiring the employer, in case he wants to dismiss the employee, to give him any notice excepting the notice to quit?

Mr. HEBERT. It merely provides:

The company may, at his option, dispense with my services for any cause which the company may deem sufficient.

Mr. NORRIS. In other words, the contract provides that if the workman wants to quit, he must give notice, and let the superintendent have time enough to fill his place, but if the employer wants him to quit he can discharge him without any notice whatever.

Mr. HEBERT. That is true.

Mr. JOHNSON. Mr. President, let me make another inquiry of the Senator. The important part of the agreement, I take it, is that portion which prohibits the employee from in any way engaging with his fellows in any protest, as it were—I do not quote the exact terms—concerning wages or conditions, and the like. That is quite so, is it not?

Mr. HEBERT. Yes.

Mr. JOHNSON. Let me inquire of the Senator, does he approve that contract?

Mr. HEBERT. Mr. President, I doubt very much whether I should be disposed to sign one myself.

Mr. JOHNSON. Of course, the Senator would not sign it unless behind him was a specter of poverty and in front of him the hunger of his family. Would he?

Mr. HEBERT. Even then I should be disposed not to sign it. But we are not called upon here to pass upon that. The Supreme Court has upheld the validity of that contract, and the Senator and I are bound by it, and I do not see how it is possible for us to change the contract.

Mr. JOHNSON. I beg the Senator's pardon; will the Senator yield?

Mr. HEBERT. I yield.

Mr. JOHNSON. The Senator may be bound by it; I am not.

Mr. NORRIS. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield further to the Senator from Nebraska?

Mr. HEBERT. I yield.

Mr. NORRIS. If the Senator's theory is right, the Supreme Court has passed on it and it can not be changed, and therefore our civilization is bound by that contract through all eternity, is it not? How will we get away from it?

Mr. HEBERT. I am not prepared to say how it can be changed. I have reason to believe that at some time there will be influences to make some changes which we know not of at the present time. Suffice it to say for the purposes of this argument that it is the law of the land, and when we are discussing the qualifications of a candidate for membership on the Supreme Court we are bound by the decisions of that court, and that candidate in carrying out his duties on the bench is likewise bound by the decisions of that court.

Mr. NORRIS. Without finding fault or trying to criticize the Senator for his attitude, I would like to ask him another question. If his theory be true, we are here deprived of any right to keep a man off of the Supreme Court who carries out that view, which he himself thinks in some way unknown to him may be changed at some time in the future. If we want to get rid of that kind of a condition, how can we do it? Is not this the only way to do it?

Mr. HEBERT. Mr. President, what argument is there that such a condition will not obtain in the future when Judge Parker is on the Supreme Bench?

Mr. NORRIS. Certainly.

Mr. HEBERT. Let me answer the Senator. Judge Parker has expressed no opinion upon this contract other than that which he was bound to express under the law as it existed at the time the case came before him for consideration.

Mr. NORRIS. Will he not be so bound during his entire official life if he becomes a member of the Supreme Court?

Mr. HEBERT. I should not think so. I understand it is generally recognized among lawyers that the Supreme Court never reverses itself.

Mr. NORRIS. Exactly.

Mr. HEBERT. But it distinguishes.

Mr. NORRIS. That is what we are trying to do now—to distinguish. We want to relieve the Supreme Court of one of its burdens.

Mr. ALLEN and Mr. JOHNSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Rhode Island yield; and if so, to whom?

Mr. HEBERT. I yield first to the Senator from Kansas.

Mr. ALLEN. I want to get the idea of the Senator from Nebraska. Is it his opinion, is it his reasoning, that the best way to bring about a modification of laws which now exist is to select Supreme Court Justices in harmony with our judgment as to what they ought to do when they go upon the Supreme Bench?

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Nebraska to answer the question?

Mr. HEBERT. Certainly.

Mr. NORRIS. I will say to the Senator from Kansas that I expect to get the floor soon and I shall go into the answer to his question rather fully. It is sufficient now to say in a general way that I do think so. I am frank to admit that I want to see men put on the Supreme Bench who have modern ideas and who are not so encrusted with ancient theories which existed in barbarous times that they are going to inflict human slavery upon us now.

Mr. ALLEN. By "modern ideas" the Senator means his own ideas?

Mr. NORRIS. I do, of course, mean my ideas.

Mr. ALLEN. And the Senator believes it is reasonable to set up a policy here that Senators should insist that no one be chosen for the Supreme Bench except those who have their ideas touching the policies which ought to govern our civilization?

Mr. NORRIS. No; I would not say that; but I will say, since the Senator is so careful about following precedents, that I shall give him a precedent. When Judge Brandeis's name was before the Senate he was fought by men who did not agree with his economic views, and I do not find fault with them for doing it. However, I am not in favor of packing the Supreme Court with men who are in favor of enforcing contracts which, if carried to their logical conclusion, mean human slavery for every man who toils.

Mr. HEBERT. Mr. President, it is interesting to note at this point that Mr. Justice Brandeis, to whom the Senator referred, sustained the very contract which I have just read to the Senate.

Mr. NORRIS. That only demonstrates again, if the Senator will permit me, that I am not going so far as the Senator from Kansas intimtaes; that I am not trying to put men on the Supreme Bench in a strait-jacket and have them conform to every idea that I have. For instance, I will not vote to confirm any man to the Supreme Court whom I know believes in the doctrine of the "yellow-dog" contract and is in favor of enforcing that contract by the injunctive process. If that be treason, make the most of it!

Mr. ALLEN. Mr. President, will the Senator from Rhode Island yield further?

Mr. HEBERT. Certainly.

Mr. ALLEN. Can the Senator from Nebraska point out definitely where Judge Parker said he believed in the doctrine of the "yellow dog" contract?

Mr. NORRIS. No. I think it is conceded, however, that Judge Parker believes in it. He not only approved the decision but he disregarded the road that might lead him around it. As I heard a Senator say the other day, he issued his decision and smacked his lips when he did it.

Mr. HEBERT. Mr. President, I think I have pointed out very clearly that the road which was designated here would not lead to any such conclusion for the simple reason that the case is not in point, and had Judge Parker followed the decision in that case he certainly would have been overruled by the Supreme Court.

I repeat, lest there be some misunderstanding about it, that the contract was passed upon and held valid by the Supreme Court in Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229).

It is true, as stated by the representatives of the American Federation of Labor, that Mr. Justice Brandeis wrote a dissenting opinion in this case, not upon the ground that the contract is illegal but that a union contract is equally valid, and upon the further ground that there was no attempt to induce employees to violate their contracts.

There is pending in the Massachusetts House of Representatives a bill, No. 299, which declares contracts of employment by which either party agrees not to become or remain a member of a labor union or an organization of employers against public policy and void. The legislature applied to the justices of the supreme court of that State for an opinion upon the constitutionality of the measure if it were to be enacted into law. The justices held unanimously that the proposed bill, if enacted into law, would be in conflict with the Constitution of the United States and of the Commonwealth of Massachusetts.

Mr. NORRIS. Mr. President, will the Senator from Rhode Island yield further?

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Nebraska?

Mr. HEBERT. I yield.

Mr. NORRIS. The Supreme Court of the State of Massachusetts in that case did not hold that such a contract should be enforced by an injunction, did it? In other words, even assuming that the contract was legal and binding upon the parties, the Supreme Court of Massachusetts did not say that an injunction should issue by a judge restraining some other party, not a party to the contract, from peacefully advising either side which had agreed to the contract, to violate it.

Mr. HEBERT. The Supreme Court of Massachusetts was not called on to pass upon that particular question. It was asked to supply the legislature of the State with an advisory opinion upon the provisions of a measure then pending in the legislature. I have here a copy of the opinion of the Supreme Court of Massachusetts, which is dated April 15, 1930, which I had intended to have inserted in the RECORD as a part of my remarks, but which, for the information of the Senate, I shall ask to have read at this time.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

House No. 1275

THE COMMONWEALTH OF MASSACHUSETTS.

OPINIONS OF THE JUSTICES OF THE SUPREME JUDICIAL COURT RELATIVE TO DECLARING VOID CERTAIN CONTRACTS OF EMPLOYMENT WHEREIN EITHER PARTY UNDERTAKES NOT TO JOIN A LABOR UNION OR ORGANIZATION OF EMPLOYERS

(April 15, 1930)

To the Honorable the House of Representatives of the Commonwealth of Massachusetts:

The justices of the supreme judicial court have considered the order adopted on April 4, 1930, and transmitted to them on April 8, 1930, requiring their opinion on the question whether the provisions of the bill printed as House Document No. 299, if enacted into law, would be in conflict with the Constitution of this Commonwealth or of the United States. Copy of the order is hereto annexed. The proposed bill is adequately described in its title in substance as an act declaring provisions in contracts of employment whereby either party undertakes not to join, become, or remain a member of a labor union, or of any organization of employers, or undertakes in such event to withdraw from the contract of employment, to be against public policy and void.

A contract similar to those described in the proposed bill was assailed and its validity was under consideration in Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229). It there was said, at pages 250, 251: "That the plaintiff was acting within its lawful rights in employing its men only upon terms of continuing nonmembership in the United Mine Workers of America is not open to question. Plaintiff's repeated costly experiences of strikes and other interferences while attempting to 'run union' were a sufficient explanation of its resolve to run 'nonunion,' if any were needed. But neither explanation nor justification is needed. Whatever may be the advantages of 'collective bargaining,' it is not bargaining at all, in any just sense, unless it is voluntary on both sides. The same liberty which enables men to form unions, and through the union to enter into agreements with employers willing to agree, entitles other men to remain independent of the union and other employers to agree with them to employ no man who owes any allegiance or obligation to the union. In the latter case, as in the former, the parties are entitled to be protected by the law in the enjoyment of the benefits of any lawful agreement they may make. This court repeatedly has held that the employer is as free to make nonmembership in a union a condition of employment as the workingman is free to join the union, and that this is a part of the constitutional rights of personal liberty and private property, not to be taken away even by legislation, unless through some proper exercise of the paramount police power." It is not necessary to consider whether the extent of the "paramount police power" in this connection can extend beyond provisions to secure that such contracts be free from coercion, because it is plain that the proposed bill does not avoid insuperable difficulties now to be mentioned.

In Adair *v.* United States (208 U. S. 161), an act of Congress was attacked whereby a penalty was imposed upon an employer of labor for making a contract of the same general nature as those described in the proposed bill or for discharging an employee because of membership in a labor union, the acts thus denounced being declared misdemeanors. It was held in an exhaustive opinion that the act was violative of the provisions of the fifth amendment to the Federal Constitution forbidding Congress to enact any law depriving a person of liberty or property without due process of law. In Coppage *v.* Kansas (236 U. S. 1) the main point for consideration was the validity of a statute of Kansas declaring it a misdemeanor for an employer to make a contract indistinguishable in its essential features from those described in the proposed bill. It was held after elaborate discussion and review of decided cases that the statute was repugnant to the guaranties contained in the fourteenth amendment to the Constitution of the United States. It there was said at page 14: "The principle is fundamental and vital. Included in the right of personal liberty and the right of private property—partaking of the nature of each—is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property. If this right be struck down or arbitrarily interfered with, there is a substantial impairment of liberty in the long-established constitutional sense. The right is as essential to the laborer as to the capitalist, to the poor as to the rich; for the vast majority of persons have no other honest way to begin to acquire property, save by working for money." The decision in the Coppage case but followed and reaffirmed Adair *v.* United States (208 U. S. 161). To the same general effect is the decision in Adkins *v.* Children's Hospital (261 U. S. 525, 545, 546). Those decisions, of course, are binding upon the several States as to the force and effect of the Federal Constitution touching a statute like that in the proposed bill.

The principles thus declared by the Supreme Court of the United States prevail in this Commonwealth. The provisions of articles 1, 10, and 12 of the declaration of rights of the constitution of this Commonwealth are as strong in protection of individual rights and freedom as those of the fifth and fourteenth amendments to the Constitution of the United States. It was said in Commonwealth *v.* Perry (155 Mass. 117, 121): "The right to acquire, possess, and protect property includes the right to make reasonable contracts, which shall be under the protection of the law." To the same general effect are Opinion of the Justices (208 Mass. 619); Rice, Barton & Fales Machine & Iron Foundry Co. *v.* Willard (242 Mass. 566, 572); Moore Drop Forging Co. *v.* McCarthy (243 Mass. 554); and A. T. Stearns Lumber Co. *v.* Howlett (260 Mass. 45, 60, 61). The Adair and Coppage cases have been recognized and followed in Opinion of the Justices (220 Mass. 627, 630); Bogni *v.* Perotti (224 Mass. 152, 155); and Opinion of the Justices (Mass. Adv. Sh. (1929) 907, 911). The views expressed in these several opinions and decisions, which need not be further amplified, are decisive of the question here propounded. There is a wide field for the valid regulation of freedom of contract in the exercise of the police power in the interests of the public health, the public safety, or the public morals, and in a certain restricted sense of the public welfare. A somewhat extended collection of references to such statutes and a review of relevant decisions were made in Holcombe *v.* Creamer (231 Mass. 99, 104–107). None of them go so far as to justify a statute like that in the proposed bill.

Guided by the decisions of binding authority already cited, we respectfully answer that in our opinion the provisions of the proposed bill, if enacted into law, would be in conflict with the Constitution of the United States and of this Commonwealth.

ARTHUR P. RUGG.
JOHN C. CROSBY.
EDWARD P. PIERCE.
JAMES B. CARROLL.
WILLIAM C. WAIT.
GEORGE A. SANDERSON.
FRED T. FIELD.

APRIL 15, 1930.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Massachusetts?

Mr. HEBERT. I yield.

Mr. WALSH of Massachusetts. I inquire what is the purpose of having the opinion of the Supreme Court of Massachusetts read at the desk? I was temporarily absent from the Chamber when the Senator asked that it be read.

Mr. HEBERT. Mr. President, I was discussing the "yellow dog" contract, so-called, and the action of the Supreme Court in relation to it. In my discussion I referred to the pendency in the Legislature of the Commonwealth of Massachusetts of a bill to prohibit such a contract and to hold it void and of no effect, and I stated that the legislature had submitted to the Supreme Court of Massachusetts a question as to the validity of that bill and whether it would violate the provisions of the Constitution. What has been read at the desk is the opinion of the Supreme Court of Massachusetts, handed down on the 15th of April, in response to that question.

Mr. WALSH of Massachusetts. The constitution of Massachusetts permits the governor, with the advice of the council and legislature, to ask an opinion of the supreme court of the State in anticipation of legislative action.

Mr. HEBERT. I so understand.

Mr. President, in his statement to the Judiciary Committee, Mr. Green, president of the American Federation of Labor, said this:

Our action in opposing the confirmation of the appointment of Judge Parker is based upon a study of his qualifications, his life's environment, his point of view regarding human relations in modern industry, and his judicial attitude toward economic and industrial problems which seriously affect the material and moral well-being of working men and women as shown in the decision which he rendered in the case of United Mine Workers against The Red Jacket Consolidated Coal & Coke Co., and in the opinion in which he concurred as rendered in the Bittner against West Virginia-Pittsburgh Coal Co. case.

In the Bittner case (Bittner *v.* West Virginia-Pittsburgh Coal Co., 15 F. (2d) 652) the court, speaking through Mr. Justice Waddill, in whose decision Judges Rose and Parker concurred, said at page 659:

Defendants criticize the scope of the injunction, contending that its effect is to forbid the publishing and circulating of lawful arguments and the making of lawful speeches advocating membership in the union in the neighborhood of plaintiff's mines, but we do not think that this is the proper construction of the order, which is an exact copy of that which was approved by the Supreme Court of the United States in the Hitchman Coal Co. case, supra. In view of what was said by that court in American Foundries Co. against Tri-City Council, there can be no doubt as to the right of defendants to use all lawful propaganda to increase their membership. See Gasaway against Borderland Coal

Co., supra. But, that there may be no misunderstanding in the matter, we think that the order should be modified by adding thereto the following provision:

"*Provided*, That nothing herein contained shall be construed to forbid the advocacy of union membership, in public speeches or by the publication or circulation of arguments, when such speeches or arguments are free from threats and other devices to intimidate, and from attempts to persuade the complainant's employees or any of them to violate their contracts with it."

The decree of the district court will be modified, each side to pay one-half of the costs in this court.

If, as I have pointed out, Judge Parker was but following the expression of the law as laid down by the Supreme Court in the Hitchman case, if, as clearly appears in the Red Jacket case, he did not assume to exercise any independent judgment or opinion because of the controlling authority of the Hitchman case, then, indeed, it is difficult for me to understand how anyone could reach a conclusion from a study of the Red Jacket case as to "the qualifications, life environment, his point of view regarding human relations, or his judicial attitude toward economic and industrial problems." If there has been any error in these decisions, then clearly the sins of his superiors are attempted to be visited upon Judge Parker.

Mr. President, with the aims of labor organizations to ameliorate the working and living conditions of their members I am in hearty accord. The American workman occupies a place in our national life superior to that of the workman of any other country on earth. I know something of his aspirations and of his efforts to improve his condition. I would be the last to interpose any discouragement to his desire to better himself. Rather do I want to join in every lawful endeavor which will benefit his condition. I can not, however, subscribe to the theory that because a judge of our courts in the fulfillment of his sworn duty to uphold the law has been obliged to decide a case in a way that does not accord with the views of our chosen representatives that judge shall be denied a merited preferment. If such a theory is to prevail, then the time will come when judges will become subservient to the one or the other conflicting interest. The weak, the poor, the downtrodden may be in favor for a brief space of time, but human experience teaches us that in the main the rich, the powerful, those in high place will succeed in tipping the scales of justice their way. I sincerely hope we may never see such a condition.

I come now to a consideration of the objections of the National Association for the Advancement of Colored People. I am sure that citizens of the Negro race are not unacquainted with Mr. Charles H. Moore, of Greensboro, N. C. Mr. Moore is one of the outstanding men of that race. He was for 13 years the vice president of the agricultural and mechanical college of North Carolina for negro students. He taught for eight years at Tuskegee Institute. He has been State inspector of colored rural schools in North Carolina. He was at one time agent for Mr. Julius Rosenwald in North Carolina in building schools for negroes. He is a graduate of Amherst College.

Here is what Mr. Moore says in a statement over his signature published in the daily News, of Greensboro, N. C., on the 28th instant:

GREENSBORO, N. C., *April 28, 1930.*

EDITOR OF THE DAILY NEWS:

In view of the statement, in part, made by Judge John J. Parker to Senator OVERMAN in a recent letter explaining his attitude toward the political rights of the negro, namely, "I at no time advocated denying them the right to participate in the election in cases where they were qualified to do so, nor did I advocate denying them any other of their rights under the Constitution and laws of the United States," I take this opportunity of saying that notwithstanding I was opposed to his election as governor 10 years ago because of alleged newspaper reports of his political utterances made during the campaign, I now approve of his nomination for the United States Supreme Bench. I, moreover, think that, in view of the above-quoted explanation in the premises from Judge Parker, no intelligent and open-minded member of our race group should now entertain any further grievance or objection to his confirmation.

CHARLES H. MOORE.

But let us examine the record that we may, in the light of it, determine the attitude of John J. Parker when he is called upon to consider the rights of the colored people guaranteed by the Constitution.

Those who affect to believe that Judge Parker, if elevated to the Supreme Court, would disregard the provisions of our fundamental law in regard to the negro, or that he could not approach this vitally important question with that dispassionate, unprejudiced, and judicial frame of mind which would enable him to render a decision in accordance therewith, may well consider his attitude when he is actually called upon to decide that very question. "Actions speak louder than words."

Judge Parker presided in the Circuit Court of Appeals of the Fourth Circuit in the recent case of City of Richmond against Deans, in which, in accordance with a prior decision of the Supreme Court, a residential segregation ordinance based on race was held in violation of the provisions of the Constitution. I have before me a copy of that decision, which I ask may be inserted in the RECORD at this point in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The decision referred to is as follows:

[From the Federal Reporter, 2d ser., vol. 37 (2d) No. 4, p. 712]

CITY OF RICHMOND ET AL. *v.* DEANS

Circuit court of appeals, fourth circuit, January 14, 1930.

No. 2900.

Constitutional law 278 (1) municipal corporations.

622. Ordinance prohibiting use as residence of building in block occupied mainly by those with whom intermarriage is forbidden denies due process (constitutional amendment 14).

Zoning ordinance prohibiting person from using as residence any building on any street between intersecting streets where majority of residences on such street are occupied by those with whom person is forbidden to intermarry held void as denying due process of law because of race discrimination, in violation of constitutional amendment 14.

Appeal from the District Court of the United States for the Eastern District of Virginia, at Richmond; D. Lawrence Groner, judge.

Suit by J. B. Deams against the city of Richmond and others. From an adverse decree, defendants appeal. Affirmed.

The purpose of this action was to enjoin the enforcement by the city of Richmond of the fines and penalties of an ordinance entitled "An ordinance to prohibit any person from using as a residence any building on any street between intersecting streets where the majority of residences on such street are occupied by those with whom said person is forbidden to intermarry by section 5 of an act of the General Assembly of Virginia entitled 'An act to preserve racial integrity,' approved March 20, 1924, and providing that existing rights shall not be affected." The trial court held that the ordinance was in violation of constitutional amendment 14.

Lucius F. Cary, of Richmond, Va. (James E. Cannon, of Richmond, Va., on the brief), for appellants.

Alfred E. Cohen and Joseph R. Pollard, both of Richmond, Va., for appellee.

Before Parker and Northcott, circuit judges, and McDowell, district judge.

Per curiam: We agree with the learned judge below that this case is controlled by the decisions of the Supreme Court in Buchanan *v.* Warley (245 U. S. 60, 38 S. Ct. 16, 62 L. Ed. 149, L. R. A. 1918 C, 210 Ann. Cas. 1918 A, 1201) and Harmon *v.* Tyler (273 U. S. 668, 47 S. Ct. 471, 71 L. Ed. 831), reversing Tyler *v.* Harmon (158 La. 439, 104 So. 200). To the same effect as these Supreme Court decisions is the Virginia decision of Irvine *v.* City of Clifton Forge (124 Va. 781, 97 S. E. 310), which follows them. Attempt is made to distinguish the case at bar from these cases on the ground that the zoning ordinance here under consideration bases its interdiction on the legal prohibition of intermarriage and not on race or color; but, as the legal prohibition of intermarriage is itself based on race, the question here, in final analysis, is identical with that which the Supreme Court has twice decided in the cases cited.

We have carefully considered the cases of Euclid *v.* Ambler Realty Co. (272 U. S. 365, 47 S. Ct. 114, 71 L. Ed. 303, 54 A. L. R. 1016) and Zahn *v.* Board of Public Works (274 U. S. 325, 47 S. Ct. 594, 71 L. Ed. 1074), upon which defendant relies; but we do not think that they are in point. They deal with the right of a city to forbid the erection of buildings of a particular kind or for a particular use within certain sections of the city, which manifestly is a very different question from that involved here. That the Supreme Court did not consider that the doctrine of Buchanan *v.* Warley was in any way overruled or limited by Euclid *v.* Ambler is shown by the fact that Harmon *v.* Tyler was decided five months after the latter case, and its decision was expressly based on the former. There was no error, and the decree below is affirmed.

Affirmed.

Mr. HEBERT. Mr. President, in the light of this decision, it is inexplicable to me that one of the leading men in the organization which opposes Judge Parker because of what they contend are his views in regard to the negroes, should base his opposition upon it.

In reaching this decision, Judge Parker might well have limited his observations to a brief statement that the case is controlled by that of the Supreme Court in Buchanan *v.* Worley (245 U. S. 60; 38 S. Ct. 16) and Harmon *v.* Tyler (273 U. S. 668), but he went farther. Notice this statement taken from the opinion written by Judge Parker in this case.

Attempt is made to differentiate the case at bar from these cases—

The cases to which I have just referred—

on the ground that the zoning ordinance here under consideration bases its interdiction on the legal prohibition of intermarriage and not on race or color; but, as the legal prohibition of intermarriage is itself based on race, the question here, in final analysis, is identical with that which the Supreme Court has twice decided in cases cited.

Surely there is no indication here that Judge Parker would disregard the provisions of the Constitution. Rather may we infer that his views in this instance were not shared or looked upon with favor by citizens of the city of Richmond not of the Negro race.

That Judge Parker possesses the learning, the mental poise, the courage, and the erudition required of one who aspires to a position upon the Supreme Court is evidenced by his work as a practicing attorney, by his judicial decisions, and by the unanimous expressions coming to us from men high in the counsels of State, from the judiciary, and from his fellow members of the bar. No unworthy aspirant could be the object of such wide encomium. Indeed, those who oppose him most vehemently do not deny that he possesses these attributes. My study of the decisions upon which the opposition to his confirmation is based, leads me to the conclusion that Judge Parker could have followed no other course consonant with law.

I hope for the welfare of my country and for the honor of my profession that the time may never come when one of my fellow citizens occupying the exalted office of judge of our courts shall be made to suffer any penalty because he has dared to uphold the law and has acted according to the dictates of his conscience.

If such a condition shall ever obtain, then we, in the State which I have the honor in part to represent, shall be called upon to obliterate the inscription of a saying by Tacitus, the Roman historian, which adorns the interior of the dome of our statehouse:

Rare felicity of the times
When it is permitted to think as you like and say what you think.

Then, indeed, shall our country have fallen on evil days.

Mr. WALSH of Montana. Mr. President, I had inserted in the RECORD yesterday the instructions given by Judge Groner to the jury in the so-called harness case, directing it to return a verdict of "not guilty." It seems to have been regarded in some quarters that because the judge, in the course of his remarks, paid a meaningless compliment to the attorneys representing the Government, and spoke of their fairness, no significance is to be attached to the incident.

To my mind, Mr. President, the editorial in the Washington News, which challenged attention to this particular episode, is in every respect justified by the instructions of the trial judge. To my mind, without referring to particular portions of this charge, the charge taken as a whole is a rebuke and a reprimand to the attorneys representing the Government, including Judge Parker.

If I were a prosecuting attorney, and found myself subject to comment of this character from the judge on the bench, I should be so humiliated as to prompt me to abandon the practice of the law. What does it mean, Mr. President?

The court reviews the testimony adduced, and tells the jury that there is no evidence whatever before them upon which a verdict of "guilty" would be warranted. Presumably, the attorneys trying the lawsuit have made all necessary investigation to equip themselves to present the facts to the court; and the court, after all the evidence is before the court and jury, says that it is impossible for a man who is honest in his convictions to reach the conclusion that the defendants are guilty of the crime charged.

I desire again, however, to direct attention to two specific portions of this charge.

It will be remembered that it was charged in the indictment that the defendants had corruptly seduced the Government sales manager, Morse, to refuse clearances and permits for the sale of the harness; and an effort was made to sustain that charge. All the evidence that the Government had to maintain that accusation was the evidence of a witness named Bosson, who said that he had difficulties in getting clearances from the officers in charge. Now, it transpired that the defendants, when they put in their case, and Bosson had so testified, presented four separate clearances, which they secured from the Government files, showing prompt action upon applications for clearances for the sale of this harness; and in that connection the court, in his instructions to the jury, said:

Captain Bosson says that he was delayed in getting clearances. He does not specify any particular clearances. He doesn't put his finger on any particular bid, any particular property that he had for sale or wanted to sell and say, "I went to this defendant Morse and asked him to allow me to clear this property for sale"—not one single instance—

And then the court adds:

And yet the defendant in their behalf showed to my decided amazement that there were as a result of papers taken from the Government files and in the possession of the Government, at least four requests for clearances covering this harness made in the usual course from the property division to the sales division which contained Mr. Morse's visa after the receipt of these applications in his office.

How can we account for that situation of affairs unless we assume that the Government counsel were entirely negligent in their study of this case and in their search of the Government files for evidence either to sustain or to dispute the charge?

Again, summarizing the charges in the indictment, the court says it was also charged—

That they caused advertisements to be made of the sale of the harness, which were not in good faith, which were frauds, weren't intended to be what they purported to be, a real invitation to the people to bid—

With respect to that, after reviewing some of the evidence concerning advertisements which were placed in the newspapers and other journals, the court said:

When I consider all of that, plus all of the other evidence in this case of advertising, it is monstrous, monstrous that you should be asked to say that behind it all was a trick, that it was a camouflage, that it wasn't real, that it wasn't meant. What justification could you, on your oaths, in your consciences find for saying any such thing at that?

And then the court added:

I am not surprised that people are mistaken about things of this kind, but could any jury in this free land of ours undertake to stigmatize as traitors four or five of their fellow citizens upon such evidence as that, and could any court, gentlemen of the jury, with courage—and when courts lose courage the foundation stone of our Government is in peril—to allow a verdict based upon evidence of that kind to stand? I think not; and that is why, gentlemen, I am impelled to do what I do.

It takes a good many pleasant compliments to overcome the significance of these comments of the trial court. I should like to ask any lawyer upon this floor how he would feel if, at the close of a case which he presented to a court—a case the trial of which consumed some 11 days—the court had disposed of the case with comment of that character? What kind of a tribute would it be to his industry in searching out the facts of the case, his sagacity and his learning in the law, his ability to analyze evidence, to have comments of that character upon the case which he submitted?

Mr. President, I can not avoid the conclusion that this was one of the Daugherty fraud prosecutions for the purpose of throwing discredit upon the Democratic administration, and that Judge Parker lent himself to that purpose, hoping, of course, that the case would get by the court in some form or other, and then that possibly political bias in the jury, or the reaction occasioned by the war, or following the war, would bring about a verdict of guilty.

Mr. OVERMAN. The Senator knows that Judge Parker was only associate counsel.

Mr. WALSH of Montana. Of course I know that.

Mr. OVERMAN. And that Mr. Early, a great lawyer, I understand, one of the greatest lawyers in the West, prepared the case.

Mr. WALSH of Montana. I regard that as an alibi of no value whatever. If I go into a lawsuit, whether I am the regularly retained counsel in the case or whether I am employed for the purpose of trying the lawsuit, I say that some explanation is necessary from me if the defendant brings from the files of my client evidence which absolutely destroys my own case. As a lawyer, I can not accept that kind of an alibi.

Mr. OVERMAN. Notwithstanding the judge on the bench has said he was a great lawyer, that he used great industry, and complimented him highly in his charge?

Mr. WALSH of Montana. I read what the judge said.

Mr. OVERMAN. The Senator's reading was almost inaudible to me.

Mr. WALSH of Montana. What the judge did say was that the counsel exhibited fairness and ability. He complimented the counsel on the fairness and ability displayed.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. WALSH of Massachusetts. Is it not a very general practice for a justice of a court to compliment counsel at the end of a trial upon the ability and fair manner in which they presented the case?

Mr. WALSH of Montana. It was obviously done for the purpose of taking the sting out of what had been said by the court concerning the actual state of affairs.

Mr. President, at least some explanation is called for from Judge Parker as to how it came about that having endeavored to establish the contention that clearances had been delayed, that it was impossible to get the clearances, evidence was adduced from the Government files that on at least four different occasions clearances were asked for and were promptly given. There is no explanation. We are faced with just exactly that situation, and we are obliged to suspect simply that Judge Parker had not studied his case and did not know what the evidence in the matter was with respect to the very charges which had been made.

Mr. President, these clearances, of course, are in writing, and when there was a charge that the clearances had not been given, had been delayed, what was the proof? The proof was to get the clearances, to find out when they were asked for and when they were granted, if they were granted at all. There they are.

These are the charges made in the indictment. Judge Parker was put upon inquiry as to what the proof was that these clearances had been delayed, or an effort had been made to postpone and prevent the sale of this property under the advertisements which had been put out, and which brought no results.

Mr. President, I regard this as a very serious imputation upon either the professional integrity or the professional industry of Judge Parker.

I shall endeavor in what I have to say this afternoon to avoid occupying any ground which has heretofore been trodden. I take occasion to say that some sort of an idea has arisen that a judge of a lower court is under obligation under all and any circumstances to follow slavishly a decision by a superior court. Of course, it has been clearly established in the debate thus far that the Hitchman case was not on all fours with the Red Jacket case; that Judge Parker might very easily, by a careful study of his own case and of the Hitchman case, have realized that there was a material distinction between the two, and likewise by a study of the Tri-City case he could easily have arrived at the conclusion that the Supreme Court of the United States had to some extent at least modified the views it had expressed, or at least the conclusion at which it had arrived, in the Hitchman case.

Waiving that, I desire to assert that there is no such hard and fast rule as has been suggested. Of course, under all ordinary circumstances it is to be expected that a lower court will follow a direct precedent of a superior tribunal, expecting, as a matter of course, that if the case goes to the superior tribunal again the same conclusion will be arrived at, and the litigant would be put, therefore, to the unnecessary expense and trouble of an appeal to the higher court.

The rule is by no means invariable, as I learned to my cost in the first case I ever took to the Supreme Court of the State of Montana. I found in the supreme court of that State an adjudication directly in point in the case I had before me. My opponent in the lower court, however, argued that that case was against the clear weight of the authorities, and he succeeded in impressing that view upon the trial court, and, notwithstanding the direct adjudication, the judgment went against me.

I went to the supreme court with a great deal of confidence and called attention to the opinion.

My opponent, when he opened his case, with some trepidation and with some modesty, expressed to the court the view that this precedent stood in the way of a decision in his favor, but he asked of the court, in a modest way, whether he might not address himself to the soundness of that decision. Having no answer from the court, he immediately proceeded to argue the fallacy of the original decision, with the result that the court reversed itself, and the judgment against me was affirmed. The case was Thornberg against Fish, reported in the eleventh volume of the Montana Reports.

A later case will be found in Seventeenth Montana, the case of Fitzgerald against Clark, where a similar condition was presented.

In an earlier case, the case of Amy & Silversmith Co., the Supreme Court of Montana had interpreted the mining law, which was a law of Congress, in a certain way applicable to a certain state of facts. That case went to the Supreme Court of the United States, and the Supreme Court of Montana was reversed, the Supreme Court of the United States holding that it was in error in the construction which it gave to the act.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. WALSH of Montana. Certainly.

Mr. NORRIS. As I understand, the Supreme Court of the United States followed the Supreme Court of Montana the first time in deciding the question. Is that right?

Mr. WALSH of Montana. No; it reversed the Supreme Court of Montana.

Mr. NORRIS. I understand, but the case it reversed was itself a reversal of a prior case, was it not?

Mr. WALSH of Montana. No. The case arose in Montana, went to the Supreme Court of Montana, which laid down principles of construction applicable to the case, then an appeal was taken from that to the Supreme Court of the United States, and the Supreme Court of the United States in that case reversed the Supreme Court of Montana, and laid down a contrary rule.

Later another case, the case of Clark against Fitzgerald, arose, presenting, however, exactly the same question presented in the Army & Silversmith case, and in that particular instance the Supreme Court of Montana was, in the just sense, inferior to the Supreme Court of the United States, the question at issue being a Federal question arising under a Federal statute. Of course, the case of Amy & Silversmith was appealed to, and the question was, Shall the Supreme Court of Montana follow the decision of the Supreme Court of the United States in the Amy & Silversmith case, or should they take up the question anew and determine it as an independent proposition? The opinion in the case was written by one of the most able men who ever sat upon our supreme bench, Judge DeWitt. He said in the opinion:

> We shall not renew the discussion of the cases upon this question decided by the United States Supreme Court prior to May 21, 1890, the date of our decision of the Amy & Silversmith case. Our best construction of those decisions is found in our opinion in that case. We there met the problem which had for years engaged the earnest attention of lawyers who had to do with mining litigation, i. e., the preservation of the intent of the mining statutes when they are applied to a location in which exploration has demonstrated that the apex and strike of the vein do not pass through both end lines of the location. We gave our best endeavor and research to that decision, and arrived at a result which we were willing to concede was not wholly in accord with the decisions of the United States Supreme Court upon that subject, but which we believed could, with a very little effort, be reconciled with those decisions, and which we were wholly satisfied was the only practicable working solution of the problem in all its phases, and which we were also wholly satisfied was fully within the intent of the United States mining laws. Even with the profound respect which we, in common with all courts, entertain for the decisions of the United States Supreme Court, we think that there is no impropriety in saying, and that it is due to ourselves to say, that the longer we observe the daily operation of the mining laws in practical affairs the more satisfied are we that our decision of the Amy & Silversmith case was correct. We are strengthened in this opinion by the views of other courts to which we shall hereinafter refer. But the United States Supreme Court is the court of last resort upon this subject, and our opinions, as a rule of decision, must be abandoned if they are in conflict with the declarations of the superior tribunal. If that court had given no further utterance upon this subject since its decision of the Amy & Silversmith case, we should feel that we must, however reluctantly, desert the principle which we sought to maintain in that case. But, as will be seen in the review of the cases below, that distinguished tribunal has given a hint that it is willing to reconsider the principle involved. Upon that hint we feel that we are justified in approaching the subject much as if it were res integra, and, without subjecting ourselves to the criticism of judicial insubordination.

Accordingly, Mr. President, they proceeded to review all of the cases upon the subject, and reasserted the doctrine which they announced in the Amy & Silversmith case. An appeal was formally taken to the Supreme Court of the United States, which reversed the Amy & Silversmith case and affirmed the judgment in the case of Clark against Fitzgerald.

I dare say there is scarcely a lawyer upon this floor who has had any considerable practice in the appellate courts who will not be able to refer to some instances where the lower court was convinced that a decision of the Supreme Court was wrong, and that upon a reconsideration of the subject the Supreme Court would announce a contrary doctrine.

So, Mr. President, there would have been no impropriety whatever in Judge Parker saying that, in view of the conclusion that was arrived at in the Tri-City case, he felt that there would be no impropriety upon his part if he undertook to review the decisions, and call attention to the repeated denunciation of the so-called "yellow-dog" contract, to which the

Senator from New York adverted yesterday. He did not, I believe, however, include a declaration by the former Chief Justice Taft, made while he was the president of the War Labor Board during the war. There was at that time a strike among the street-car operatives of Council Bluffs and Omaha, and it became the duty of Judge Taft's War Labor Board to endeavor to adjust controversies of that character, so that the activities of the war should not be interrupted or interfered with. In reporting upon that particular labor controversy Judge Taft said:

The practice of the company in times past to make restrictive contracts—

That is, contracts which provided that the operator would not join a union—

The practice of the company in times past to make restrictive contracts such as shown to the arbitrators, if continued, would be contrary to the principles of the National War Labor Board. However, counsel for the company states to the arbitrators that this practice has been abandoned and calls for no further action on the part of the arbitrators.

It was abandoned, I take it, because doubtless the officials of those roads felt as did officers of some other corporations referred to by the Senator from New York, who declared that in their judgment the contract was not a moral one. So it would have been equally no violation of propriety whatever upon the part of Judge Parker had he said that, while he had no sympathy whatever with the rule prescribed in the Hitchman case, and felt that it was contrary to the more modern conception of the duties of labor and capital toward each other, he felt constrained to follow the decision in that case.

Or he might have adverted to some of these other considerations and said that, having those in mind, he was disposed to adopt that view, but that he felt under obligation to follow the decision in the Hitchman case. There is absolutely nothing whatever in the decision of Judge Parker or in what he said in the opinion that leads us to believe that he is not entirely in sympathy with the doctrine of the Hitchman case and with the idea that the so-called "yellow-dog" contract is protected by the Constitution of the United States and is, so far as that is concerned, a perfectly justifiable arrangement from an economic standpoint.

Mr. President, it would not have been at all out of his way had he said something like that said by another eminent North Carolinian. I regret very much that the Senator from North Carolina [Mr. OVERMAN] is not in the Chamber at the moment. I refer to the opinion of the circuit court of appeals in the Hitchman case written by Judge Pritchard, at one time a Senator from the State of North Carolina in this body, a man of great learning, of great eloquence, and of great sympathy with the laboring classes. It will be remembered that in the Hitchman case the trial judge, the district judge, granted an injunction, the injunction which was eventually sustained by the Supreme Court of the United States. He granted that injunction upon the ground that the United Mine Workers of America was an unlawful organization and conspiracy in restraint of trade, and for other reasons. The case went to the circuit court of appeals, where the judgment was reversed and then eventually went to the Supreme Court of the United States, which reversed the judgment of the circuit court of appeals and affirmed the judgment of the district court.

The opinion in the circuit court of appeals was, as I said, written by Judge Senator Pritchard. I adverted to the fact that the trial judge had held that the United Mine Workers of America was an unlawful conspiracy, and in order to support that holding he referred to the decisions of a bygone age which he asserted established that condition of things as the common law. It could easily be established that that never was the common-law rule, but that by reason of later statutes in Great Britain combinations of that character had been held to be in violation of the law. But Judge Pritchard, commenting upon the judgment of the district court in that particular, said, and I am reading from Two hundred and fifteenth Federal Reporter:

The growth and development of the common law occurred when property rights were recognized as paramount to personal rights. At that time there was little, if any, concert of action on the part of the laboring people, owing to their helpless condition, due in the main to their ignorance. Their domination by the landowner and capitalist was absolute in most respects, and as a result they were as helpless as those held in slavery before our great war. Under such circumstances, it is no wonder that we have many decisions in the past at common law, as well as the enactment of statutory laws, by virtue of which it was almost a physical impossibility for those who earned their living by honest toil to accomplish by organized effort those things necessary to elevate them to a plane where they could assert those rights so essential to their welfare.

The industrial development of the world within the last half century has been such as to render it necessary for the courts to take a broader and more comprehensive view than formerly of questions pertaining to the relation that capital sustains to labor.

Then, I read from page 702, as follows:

The court below was also of the opinion that the rules of the organization undertake to "control, or rather abrogate and destroy, the right of the employer to contract with the men independent of the organization." If it is meant by this statement that under the rules it is possible by peaceable, persuasive, and other lawful methods to induce a majority, if not all, of the miners of any particular locality to join the union and thereby place the mine owner in a position where it may be necessary for him to negotiate with union labor in order to operate his mines, then the conclusion reached by the court below is entirely correct. However, the fact that such a result would be possible under this rule could not in any way affect the legality of the organization, because it has been repeatedly held by the courts that a labor union may use all lawful methods for the purpose of inducing others to join its order, and until the contrary is shown it must be assumed that only lawful methods are to be employed for the accomplishment of such purpose.

Then, at page 703, he continued:

However, in this instance the plaintiff has adopted a policy by which only nonunion men may be employed. If the plaintiff may for the purpose of protecting its interests adopt a policy by which only nonunion men can secure employment at its mines, and such conduct be sanctioned by the law, by what process of reasoning can it be held that the defendants may not adopt the same method in order to protect their interests? If the plaintiff is to be protected in the use of such methods, and the defendants are to be restrained from using lawful methods for the purpose of successfully meeting the issue thus raised by the plaintiff, then indeed it may be truthfully said that capital receives greater protection at the hands of the courts than those through whose efforts capital in the first instance was created. But such is not the law; and when we consider the testimony as respects the conduct of the defendants at and before the institution of this suit, we are of the opinion that the plaintiff has not by a preponderance of the evidence shown that these defendants employed unlawful methods as alleged in the bill.

He continued:

At one time this identical mine employed union labor, and in all probability would have continued to do so, had it not been for a controversy which arose as to certain adjustments and the parties failing to reach an agreement the plaintiff decided to employ only nonunion labor.

It further appears that the plaintiff is paying the nonunion men the same wages that are being paid union men. Therefore, under these circumstances, is it not as reasonable to infer that the plaintiff is endeavoring to place the laborers of that section in a position where it would be master of the situation as it is to infer that the defendants are seeking to destroy the business of the plaintiff? While it is true that the plaintiff has a perfect right to refuse to employ union labor, is it not equally true that union labor, as we have stated, may by the employment of legitimate means do that which is necessary to keep its forces together?

Surely we have not reached the point when capital with its strong arm may adopt a plan like this for protecting its interests, while on the other hand the laboring classes are to be denied the protection of the law when they are attempting to assert rights that are just as important to their well-being as are the rights of those who have been more fortunate in accumulating wealth. He who "seeks equity must do equity." In other words, he "must come into court with clean hands." If the courts of this country should by injunctive relief protect the mine owner in the enjoyment of his property rights and restrain the laboring people from organizing their forces by declaring such organization unlawful, would not the mine owner then be in a position to control the situation so that he who has to toil for his daily bread would be placed in a position where if he exists at all he must do so at such wages, and upon such terms as organized capital may see fit to dictate?

Then I read a concluding paragraph, as follows:

The court below also reached the conclusion that the defendants have caused and are attempting to cause the nonunion members employed by the plaintiff to break a contract which it has with the nonunion operators. The contract in question is in the following language.

This comes to the gist of the matter as it is presented to us here. This is the contract:

I am employed by and work for the Hitchman Coal & Coke Co. with the express understanding that I am not a member of the United Mine Workers of America and will not become so while an employee of the Hitchman Coal & Coke Co.; that the Hitchman Coal & Coke Co. is run nonunion and agrees with me that it will run nonunion while I am in its employ. If at any time while I am employed by the Hitchman Coal

& Coke Co. I want to become connected with the United Mine Workers of America or any affiliated organization, I agree to withdraw from the employment of said company, and agree that while I am in the employ of that company that I will not make any efforts amongst its employees to bring about the unionizing of that mine against the company's wish. I have either read the above or heard the same read.

Then the learned judge said:

It will be observed that by the terms of the contract that either of the parties thereto may at will terminate the same, and while it is provided that so long as the employee continues to work for the plaintiff he shall not join this organization, nevertheless there is nothing in the contract which requires such employees to work for any fixed or definite period. If at any time after employment any of them should decide to join the defendant organization, the plaintiff could not under the contract recover damages for a breach of the same. In other words, the employees, under this contract, if they deem proper, may at any moment join a labor union, and the only penalty provided therefor is that they can not secure further employment from the plaintiff. Therefore, under this contract, if the nonunion men, or any of them, should see fit to join the United Mine Workers of America on account of lawful and persuasive methods on the part of the defendants, and as a result of such action on their part were to be discharged by the plaintiff, it could not maintain an action against them on account of such conduct on their part. Such being the case, it would be unreasonable to hold that the action of the defendants would render the United Mine Workers of America liable in damages to the plaintiff because they had employed lawful methods to induce the nonunion miners to become members of their organization.

Under these circumstances, we fail to see how this contract can be taken as a basis for restraining the defendants from using lawful methods for the purpose of inducing the parties to the contract to join the organization.

I read this particularly because Mr. Justice Brandeis, in the same case, called attention to the fact that there was no breach of the contract whatever on the part of any man who quit the employ of the coal company and joined the union. The simple point was that under the contract he could not join the union and remain in the employ of the coal company. So anybody who induced him to quit the employ of the company and join the union was not endeavoring to have him break his contract at all.

Mr. Justice Brandeis, in his dissenting opinion in the Hitchman case, said:

Fifth. There was no attempt to induce employees to violate their contracts.

The contract created an employment at will, and the employee was free to leave at any time. The contract did not bind the employee not to join the union, and he was free to join it at any time. The contract merely bound him to withdraw from plaintiff's employ if he joined the union. There is evidence of an attempt to induce plaintiff's employees to agree to join the union; but none whatever of any attempt to induce them to violate their contract. Until an employee actually joined the union he was not, under the contract, called upon to leave plaintiff's employ. There consequently would be no breach of contract until the employee both joined the union and failed to withdraw from plaintiff's employ. There was no evidence that any employee was persuaded to do that or that such a course was contemplated. What perhaps was intended was to secure agreements or assurances from individual employees that they would join the union when a large number of them should have consented to do so; with the purpose, when such time arrived, to have them join the union together and strike—unless plaintiff consented to unionize the mine. Such a course would have been clearly permissible under the contract.

Mr. President, although the learned Judge Pritchard called attention to the fact that there was no violation of the contract in inducing the employees to quit the plaintiff's employ and join the union, and, although Mr. Justice Brandeis in his dissenting opinion called attention to that, the decision of Judge Parker, without even adverting to the contract or even quoting it in the opinion anywhere, charged the defendants in that case with having induced the plaintiff's employees to violate their contract, and they were enjoined from continuing to do so. I am left with the impression that the learned Judge Parker was either entirely indifferent to these considerations thus advanced by his predecessor, Judge Pritchard, or he was entirely in sympathy with the "yellow-dog" contract.

Mr. President, there is another suggestion to which I wish to advert. Almost from the very beginning of our Government there have existed two schools of thought with respect to our National Government and our political system: One that this Government of ours enjoys, for one reason or another, a large measure of implied powers, flowing from general considerations, from the Constitution as a whole, and, perhaps, from the idea that ours is a nation having all the powers of those nations in which all the powers of government are centered in one authority.

On the other hand, Mr. President, there are those who believe in what is known as the restricted construction of the Constitution, and the restriction of the powers of the National Government, leaving the powers generally to the States except where expressly delegated or where it is clearly implied from the Constitution that they are delegated.

Mr. President, as I think, it is a fortunate thing that those two schools of thought have, for the greater part of our history, been represented upon the Supreme Court of the United States. The learned Senator from Ohio [Mr. FESS] the other day in his interesting review of the illustrious men who have had a place in the work of that great tribunal adverted to two of its most shining lights—Marshall and Story. Marshall, of course, stands, as is generally believed and recognized, at the head of those who have adorned that bench, and next to him is Joseph Story. Marshall was a Federalist, one of the leaders of that party, and one of the ablest exponents of that theory of our government. Story, on the other hand, was a Democrat. He was appointed by Madison in 1811. Those two schools of thought, in a general way, have been represented by the two great political parties into which our electorate has been divided.

So, during the entire period of the occupancy of this bench by these two men, these two great schools of thought were there represented, and so it has continued down to our time, until the problems incident to the limitations on the Federal Government have come to be fairly well defined. But in our time, Mr. President, there have arisen conflicting schools of thought with respect to economic problems rather than political and governmental problems, and, as was made plain in a discussion in this Chamber not long ago, the Supreme Court of the United States on many questions that come before it divides upon these economic questions involved in the lawsuits which the court is called upon to adjudicate. Included in these, Mr. President, are cases involving labor controversies, and it is a rather startling fact that one can almost anticipate when such a controversy comes before the Supreme Court how one set of judges will decide upon the question and what attitude another group will take.

Including the Hitchman case, there have been four epochal cases before the Supreme Court of the United States involving labor disputes. In every one of those cases there was a dissenting opinion by Justices Holmes and Brandeis, sometimes participated in by other justices. In the Hitchman case Justices Holmes and Brandeis dissented, and with them was Mr. Justice Clarke.

In 1921 there came before the court the case of Duplex Printing Co. against Deering, a case which involved an injunction against members of labor unions in the city of New York for refusing to work upon printing presses manufactured in the city of Detroit by nonunion labor. The injunction was sustained by the Supreme Court of the United States, Justice Holmes, Justice Brandeis, and Justice Clarke, the same three, dissenting.

The case of Truax against Corrigan came a little later, reported in Two hundred and fifty-seventh United States Reports, decided December 19, 1921. That case arose under a statute of the State of Arizona forbidding the issuance of injunctions in labor disputes. It was held that that statute was unconstitutional, being contrary to the fourteenth amendment to the Constitution, and therefore void. Justices Holmes, Brandeis, Clarke, and Pitney dissented.

Later on the case of Bedford Cut Stone Co. against Journeymen Stonecutters came before the court, presenting questions not unlike those in the Duplex Printing Co. case, workers in the city of New York declining to work upon stone coming from the Bedford quarries in the State of Indiana because produced by nonunion labor. Justices Holmes and Brandeis dissented and Justices Stone and Sanford concurred in the majority opinion because of the earlier decision in the Duplex Printing Co. case.

I might say likewise, Mr. President, that going back to the case which is relied upon as holding that the so-called "yellow-dog" contract is a valid contract, the case of Adair against the United States, decided in Two hundred and eighth United States Reports, December 27, 1908, Justices Holmes and McKenna dissented.

It will be observed that of these dissenting Justices Clarke and McKenna have already left the bench, McKenna having passed to his reward and Clarke having retired of his own volition. Pitney likewise has passed to the great beyond, and there remain of these dissenting judges, these judges who took a different view of these questions from the majority of the court, but Holmes and Brandeis. Holmes, the grand old man of the American bar, regrettable as it may be, must, of course, soon cease his labors. Brandeis has already passed the retiring age,

and when they go who will there be left to represent the views which they have upheld? Mr. Hughes was elevated to the Chief Justiceship a short while ago, obviously having views in a general way in harmony with those of the majority of the court. And now it is proposed to put another man on the bench whose views, if we are to judge from the Red Jacket case, are in harmony with those of the majority.

I think, Mr. President, that it would be singularly unfortunate if this other view, whether it is sound or whether it is unsound, were not represented in that tribunal, so that at least in the deliberations of the court the other idea might have at least one exponent.

I believe, Mr. President, that we would not be discharging the duty with which we are charged to protect in its integrity this great court, the final arbiter of the lives and liberties of the American people under the Constitution of the United States, unless we made sure, in so far as we can, that someone more in consonance with modern views concerning the relations of labor and capital than is Judge Parker shall be selected for the Supreme Court.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The question is, Will the Senate advise and consent to the nomination of John J. Parker to be justice of the Supreme Court of the United States?

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Smoot
Ashurst	Frazier	McKellar	Steiwer
Baird	Gillett	McNary	Stephens
Barkley	Glass	Metcalf	Sullivan
Bingham	Glenn	Norris	Swanson
Black	Goldsborough	Nye	Thomas, Idaho
Blaine	Gould	Oddie	Thomas, Okla.
Blease	Greene	Overman	Townsend
Borah	Hale	Patterson	Trammell
Bratton	Harris	Phipps	Tydings
Brock	Harrison	Pine	Vandenberg
Broussard	Hastings	Pittman	Wagner
Capper	Hatfield	Ransdell	Walcott
Caraway	Hawes	Robinson, Ark.	Walsh, Mass.
Connally	Hayden	Robinson, Ind.	Walsh, Mont.
Copeland	Hebert	Robsion, Ky.	Waterman
Couzens	Howell	Schall	Watson
Cutting	Johnson	Sheppard	Wheeler
Dale	Jones	Shipstead	
Deneen	Kendrick	Shortridge	
Dill	Keyes	Simmons	

The PRESIDING OFFICER. Eighty-one Senators have answered to their names. A quorum is present.

Mr. HATFIELD. Mr. President, I have received numerous protests from organized labor in West Virginia against the confirmation of Judge John J. Parker to be an associate justice of the Supreme Court of the United States.

I have also had the same expression from colored organizations and colored people individually asking that I oppose his confirmation.

I have likewise had a great number of telegrams, letters, and resolutions adopted by the district and the State bar associations; also numerous telegrams and letters from individuals supporting his confirmation.

I do not think it necessary for me to file all of these protests and commendations with the clerk to be printed in the RECORD; but, because of a personal request in one telegram I feel it my duty to ask unanimous consent to have it printed in the RECORD, and also to ask leave to have printed in the RECORD a telegram from the Hon. Harold A. Ritz, a former member of the Supreme Court of West Virginia, and now president of the bar association of that State.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegrams are as follows:

HUNTINGTON, W. VA., *April 7, 1930.*

Senator HENRY D. HATFIELD,
Washington, D. C.:

The membership of this union unanimously protests against the confirmation of Judge Parker to the United States Supreme Court. Kindly register this protest in our behalf. Thanks.

HUNTINGTON TYPOGRAPHICAL UNION, No. 533,
C. N. BREWER, *President.*

CHARLESTON, W. VA., *April 16, 1930.*

Hon. H. D. HATFIELD,
United States Senate:

The West Virginia Bar Association heartily indorsed Judge Parker to the President for appointment to the Supreme Court. The recently developed opposition to him because of matters of which we were fully cognizant has not changed our attitude, and we are just as heartily in favor of his confirmation. We trust that you will do everything possible to that end.

HAROLD A. RITZ,
President West Virginia Bar Association.

Mr. HATFIELD. It is my desire at all times, Mr. President, to respect the wishes of the people that I represent; but in the final analysis the responsibility must necessarily be left with me as to the proper course to be taken, having in mind that when I assume this position I do so in keeping with what I deem to be to the best interests of a majority of the citizenship of the State that I in part represent. Of course, I must take into consideration justice, equity, and fair play in arriving at conclusions which control my vote upon any and all questions that are presented to me for consideration as a Senator.

Again, Mr. President, in view of what has been said of a derogatory nature regarding the conduct of one of the basic industries of my State toward labor, and inasmuch as the Red Jacket case in controversy originated in the State of West Virginia, in which issue is taken by able lawyers who are Members of this body with the decision of the circuit court of appeals of the fourth Federal judicial circuit, in which Judge John J. Parker rendered the opinion, resulting in a protest against his confirmation, I feel that I should, in a brief way, describe the conditions in West Virginia as they relate to the coal industry in a fair and impartial way, so that they may be understood in their true light.

It can not be truthfully stated that I have not been a friend of labor in West Virginia. If I have not been, then industry, especially the one responsible for the controversy here, has had the wrong impression of me; for its representatives have usually opposed any ambition I have had for public office, because of my friendly attitude toward labor.

When I became governor of my native State on March 4, 1913, I found then in existence a mine war that had been waged for more than a year, costing many lives and a tremendous destruction of property in the mining region of Paint and Cabin Creeks, in the Kanawha Valley. This section of my State has not as yet recovered either economically, socially, or industrially from the results of this disaster.

It was during this period that the able senior Senator from Idaho [Mr. BORAH] visited that section, in company with Senators Kenyon, of Iowa; Martine, of New Jersey, and SWANSON, of Virginia, under Senate Resolution No. 37 of the Sixty-third Congress, passed May 27, 1913, directing them to investigate certain phases of the strike situation, as it had been loudly acclaimed through the press of the country that certain injustices were being invoked against freedom and liberty as guaranteed in our Constitution. Because of these claims, credence was given to them to the point of the adoption of the heretofore mentioned resolution by the Senate of the United States.

These claims set out that men and women were being deprived of their rights as citizens without due process of law. It was in those days that the criminal court, in the person of its judge and prosecuting attorney, appeared before the governor in his chambers and stated that the courts were closed, and that convictions of law violators were impossible. It was during the period of the strike on Paint and Cabin Creeks, in the latter part of 1911 and during the entire year of 1912, that my predecessor declared martial law.

When I became governor in 1913, a number of people were awaiting sentence under conviction by this court-martial; and my approval was necessary in order to commit them to the penitentiary. I did not approve a single finding of the court-martial; but, on the contrary, within less than six weeks I directed the discharge of all those who were convicted. I personally adjusted, to the satisfaction of all concerned, this long-drawn-out warfare, which had lasted over a period of two years, costing West Virginia millions of dollars, and giving my State both an undeserved and an unenviable reputation. In the meantime, I was selected as the sole arbitrator, for a period of two years, by both the miners and the operators, and the strike in that industrial section of West Virginia came to an end. My decisions met with the approval of the laboring group, and, as far as I know, of the operators as well.

During my term as governor the legislature passed laws providing for an 8-hour workday, the payment of wages at least once in every two weeks, and enacted a compensation law that has paid labor in a little less than 17 years of its operation approximately $58,000,000. Prior to the passage of this legislation the laboring people were subject to the old fellow-servant law, which ended in the State supreme court when litigation was undertaken, usually at a loss to the plaintiff, and the records disclose that in the cases that were successful less

than $50,000 had been recovered by the plaintiffs in case of accident, which was more than absorbed in court costs.

It was the settlement of this strike, through my efforts as governor, and subsequently my service as arbitrator, when the mine management and the mine worker could not agree, that resulted in the first collective bargaining in West Virginia, from a coal-industry point of view, so far as I know. So it can not be successfully claimed that I have been unmindful of the rights of labor in public life.

When the words "peaceful persuasion" are referred to in connection with strikes in West Virginia, as has been discussed at some length in this body in connection with the Red Jacket case, I wish to say that the approach to West Virginia's laboring people to induce them to join hands with the union with the hope of bettering their condition has been usually accompanied where these industrial conflicts have taken place by something entirely foreign to the word "peaceful."

The law-enforcing officers of those sections affected, beginning with the constable and ending with the chief executive of the State, would testify that the approach toward organization was accompanied by anything but law and order.

Inasmuch as the action of the Senate in the matter of the confirmation of Judge Parker will depend in a large measure upon whether his opinion in the Red Jacket case was correct, it has occurred to me that my colleagues would be interested in a brief discussion of conditions leading up to and immediately following that litigation.

"Peaceful persuasion" in the Red Jacket controversy resulted in the loss of more than 40 lives. The controversy began on May 19, 1920, with a massacre of seven men. The strike order, however, did not become effective until July 1, and lasted until late in the year of 1921, during which time there was lost in property values a sum amounting to $10,000,000, and the passing of time has not cured the ills which developed from that industrial epochal period in the Mingo coal fields, which have been crippled economically ever since.

Mr. President, I now wish to read for the information of the Senate a telegram that I have recently received from the Hon. M. Z. White, Lieutenant Governor of the State of West Virginia, who lives in Mingo County, in which is located the Red Jacket Coal Co.:

WILLIAMSON, W. VA., *April 29, 1930.*

Senator H. D. HATFIELD,
Washington, D. C.:

Strike order became effective July 1, 1920. Trouble started May 19, 1920, with Matewan massacre; seven killed; continued until late 1921. In August, 1920, Gov. John J. Cornwell applied to War Department. Sent 500 troops; arrived here August 29, 1920. These, in addition to local, county, State officers, together with citizens of Mingo, McDowell, and Logan Counties, in command. In November, 1920, 500 more United States troops arrived. Mingo County placed under martial law. Strike very revolutionary. Loss of life and property damage very large.

M. Z. WHITE,
Lieutenant Governor of West Virginia.

There is no record or evidence of a semblance of "peaceful picketing" at any time or place in the coal section in which the Red Jacket controversy took place between the union organizer, the miner, and the industrial owner. The salutation from the strikers would be a salute of so many high-powered guns, which would belch forth from the mountain fastness, and a return of like character in the way of a response from the other side.

West Virginia produces yearly more than 25 per cent of the coal consumed in America. Her geographic location places her at a disadvantage because of a longer railway haul, plus a differential in the market resulting from findings of the Interstate Commerce Commission, where the mine owner and consumer and the worker must make up the difference in the competitive market where this coal is largely to be sold, in the West and Northwest, in competition with the central fields.

There have been several attempts by court procedure to increase the freight-rate differential. The mine workers and the representatives of competitive fields have been chiefly interested in advocating such a course, and if they had been successful, West Virginia would have been removed from the markets of the West and Northwest.

When this coal strike was called, the industry owners of West Virginia charged that there was a coalition between the central competitive operators and the mine workers industrially, and they claimed they had conclusive proof that the conspiracy had for its purpose the removing of West Virginia's coal from these markets.

In the face of all of these unfriendly acts, could anything else be expected from West Virginia's industrial representatives than resentment of the intrusion of these formidable forces into her industrial domains and entering into a compact with her employees?

I am impressed with the thought that West Virginia's industrial owners would not be opposed to collective bargaining or to men belonging to a union if they felt the organization would be primarily cooperative with the best interests of the coal industry in seeking a market for its products. Whether or not this be true, I wish to say that I have always felt that the workmen of our country should be encouraged in the development of collective bargaining in the sections where they are interested industrially.

I submit that West Virginia has much at stake in the protection of her coal industry when her citizenship stops to summarize, and are confronted with the fact that 33⅓ per cent of her population are directly dependent upon the prosperity of this one industry and more than 80 per cent indirectly.

West Virginia furnishes approximately 70 per cent annually of the entire tonnage to three trunk railway lines having 4,000 miles of main-line trackage in the State.

These same railways touch 26 States of this Union. They realize in revenue out of this coal tonnage transported $325,000,000 yearly.

The Chesapeake & Ohio Railroad operates 2,730.29 miles of railroad in the following States: Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, and the District of Columbia. The Baltimore & Ohio operates 5,639.42 miles in the following States: New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Kentucky, Missouri, and the District of Columbia. The Norfolk & Western Railroad operates 2,240.23 miles in the following States: Virginia, West Virginia, Maryland, North Carolina, Kentucky, and Ohio. Aside from this, her coal is carried by three other railroads—the New York Central, the Virginian, and the Pennsylvania. It is our chief industry. If not protected, therefore, railway labor would perish, our independent stores and independent industries would speedily disorganize and become bankrupt, and 130,000 men who work in the coal industry in West Virginia would be out of employment.

It might be argued that the reason why West Virginia sells in the markets of this country more than 25 per cent of the coal consumed—510,000,000 tons a year—is that the laborer is forced to work for less consideration than is paid for like work in other States.

On this point I wish to insert here a table.

The VICE PRESIDENT. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Average earnings per hour, based on time at face, including lunch, of coal miners in West Virginia in 1929

Loaders, contract	$1.085
Loaders, hand	.653
Loaders, machine	.743
Miners, hand or pick	.669
Miners, machine (cutters)	1.062
Miners, machine (cutters' helpers)	.683
Average, all miners and loaders	.689

Mr. HATFIELD. These earnings were compiled by the Bureau of Labor Statistics, United States Department of Labor, and published in the monthly Labor Review September, 1929.

The average hourly earnings in manufacturing industries, as compiled and published by the National Industrial Conference Board in Service Letter No. 48, December 26, 1929, were as follows:

Industry	Average hourly earnings, 1929	
	September	October
Agricultural implements	$0.631	$0.628
Automobiles	.700	.697
Boot and shoe	.481	.472
Chemicals	.577	.572
Cotton:		
North	.418	.416
South	.325	.323
Electrical manufacturing	.631	.632
Furniture	.542	.550
Hosiery and knit goods	.499	.493
Iron and steel	.659	.659
Leather tanning	.525	.522
Lumber and millwork	.586	.595
Meat packing	.514	.512
Paint and varnish	.580	.579
Paper and pulp	.538	.541
Paper products	.537	.527
Printing:		
Book and job	.732	.729
News and magazine	.896	.899

Industry	Average hourly earnings, 1929	
	September	October
Rubber	$0.659	$0.650
Silk	.477	.485
Wool	.481	.481
Foundry and machine shop	.612	.616
1. Foundries	.618	.622
2. Machines and machine tools	.630	.631
3. Heavy equipment	.666	.679
4. Hardware and small parts	.550	.550
All industries	.582	.582

It will be noted that in practically every case the average earnings for miners exceed those in manufacturing industries as listed in the table, and they are far above the average of $0.582 for the entire industrial group.

Average earnings of employees on all pay rolls for October, 1929

Classifications	Number of full-time workers	Per cent of full-time workers	Average daily earnings	Average monthly earnings
Piece workers:				
Loaders	1,102	45	$6.16	$166.32
Machinemen	101	4	9.55	257.85
Drill men	47	2	9.08	245.16
Contract motormen	108	5	5.98	161.46
All pieceworkers	1,358	56	6.50	175.50
Hour workers:				
Inside daymen	485	20	5.32	143.64
Tipplemen	229	9	4.52	122.04
Carpenters, shopmen, electricians, truckmen, etc	108	4	5.38	145.26
All hour workers	822	33	5.10	137.70
Salaried men (mines' rolls):				
Mine foremen and assistants	25	01	7.23	224.13
Tipple foremen, watchmen, dairymen, carpenters, electricians, and truck foremen	58	03	5.52	171.12
All salaried men (mines' rolls)	83	04	6.04	187.24
Salaried men (confidential roll):				
Superintendents, assistants, mine inspector, warehousemen, telegraph operators, interpreter, clerks, stenographers, etc	43	02	8.77	263.10
Bookkeepers, shipping and pay roll clerks	25	01	6.71	201.30
Mine engineers and draftsmen	8		7.40	222.00
Stores' employees	59	03	5.28	158.40
All confidential roll	135	06	6.67	200.00
Medical department (hospital corporation)	12	01	8.50	255.00
All departments	2,410	100	6.04	163.08
		Number of men	Number of days	Per cent of total
Full-time workers		2,410	65,070	87½
Time lost		343	9,261	12½
Total men on roll		2,753	74,331	100

[I. C. C. Docket No. 15007. Witness Exhibit No. 424]

Average daily earnings in certain districts, West Virginia and Kentucky

AUGUST, 1925

District	Number of companies reporting	Average number men working	Total man-days	Wages paid	Average daily earnings per man
Pocahontas	4	1,364	30,179	$162,700.20	$5.39
Tug River	3	766	19,521	99,426.41	5.09
Kenova-Thacker	8	1,393	34,585	201,903.30	5.83
Logan	4	4,743½	121,625.8	700,948.15	6.33
Winding Gulf	3	971	24,590	151,838.54	6.17
Kanawha	1	337	8,762	52,044.69	5.94
Total	23	9,574½	239,262.8	1,438,861.29	6.01
Northeastern Kentucky	5	1,005	24,765¼	134,111.30	5.41
Hazard	3	778	17,950	102,318.00	5.70
Harlan	5	832	19,697	108,600.06	5.51
Total	13	2,615	62,412¼	345,029.36	5.52
Southern Appalachian	2	1,118	25,286	115,006.54	4.54
Total, all fields	38	13,307	326,961.05	1,898,897.19	5.80

Average daily earnings in certain districts, West Virginia and Kentucky—Continued

AVERAGE EARNINGS 10 HIGHEST MEN, SAME COMPANIES AND MONTH

District	Per day	Per month
Pocahontas	$8.30	$188.74
Tug River	7.34	186.31
Kenova-Thacker	9.69	243.45
Logan	11.71	301.60
Winding Gulf	11.67	294.31
Kanawha	(1)	(1)
Average	9.74	242.88
Northeast Kentucky	9.12	193.71
Hazard	10.70	243.61
Harlan	10.07	239.23
Average	9.96	225.52
Southern Appalachian	8.80	203.91
Average, all districts	9.71	233.76

[1] Not available.

Statement showing average daily earnings for certain districts in West Virginia and Kentucky

NOVEMBER, 1925

District	Number of companies reporting	Average number men working	Total man-days	Wages paid	Average daily earnings per man
Pocahontas	4	1,402	31,736	$182,856.06	$5.76
Tug River	3	861	21,075	119,616.00	5.67
Kenova-Thacker	8	1,401	33,605	193,020.40	5.74
Logan	4	4,810.7	118,550.4	751,209.92	6.33
Winding Gulf	3	1,020	24,911.1	160,484.36	6.44
Kanawha	1	366	8,784	55,134.04	6.28
Total	23	9,860.7	238,661.5	1,462,320.78	6.12
Northeastern Kentucky	5	988	23,804	132,257.24	5.55
Hazard	3	810	18,018	103,247.76	5.73
Harlan	5	879	16,911	98,355.11	5.81
Total	13	2,677	58,733	333,860.11	5.68
Southern Appalachian	2	1,177	23,088	111,202.80	4.81
Total, all fields	38	13,714.7	320,482.5	1,907,383.69	5.95

AVERAGE EARNINGS 10 HIGHEST MEN, SAME COMPANIES AND DISTRICTS

District	Per day	Per month
Pocahontas	$9.04	$200.78
Tug River	8.44	205.66
Kenova-Thacker	9.71	238.78
Logan	10.87	269.22
Winding Gulf	12.38	305.46
Kanawha	(1)	(1)
Average	10.09	243.98
Northeastern Kentucky	7.50	180.74
Hazard	10.28	229.76
Harlan	11.43	218.21
Average	9.74	209.57
Southern Appalachian	11.09	212.20
Average, all districts	10.08	228.98

[1] Not available.

Statement showing average daily earnings for certain districts in West Virginia and Kentucky

MAY, 1926

District	Number of companies reporting	Average number men working	Total man-days	Wages paid	Average daily earnings per man
Pocahontas	4	1,419	33,536	$187,412.22	$5.58
Tug River	3	904	21,824	123,159.76	5.64
Kenova-Thacker	8	1,458	30,826	174,748.15	5.66
Logan	4	4,802.25	119,840.5	772,007.26	6.44
Winding Gulf	3	1,035	26,910	168,507.30	6.26
Kanawha	1	321	8,346	53,965.24	6.47
Total	23	9,939.25	241,282.5	1,479,799.93	6.13
Northeastern Kentucky	5	1,071	26,030.4	139,405.04	5.35
Hazard	3	826	17,074	97,686.30	5.72
Harlan	5	866	18,846.5	107,816.48	5.72
Total	13	2,763	61,950.9	344,907.82	5.56
Southern Appalachian	2	1,586	55,955	88,658.55	5.56
Total, all fields	38	14,288.25	359,188.4	1,913,366.30	5.32

Statement showing average daily earnings for certain districts in West Virginia and Kentucky—Continued

AVERAGE EARNINGS 10 HIGHEST MEN, SAME COMPANIES AND DISTRICTS

District	Per day	Per month
Pocahontas	$8.75	$202.59
Tug River	9.22	216.77
Kenova-Thacker	9.19	200.04
Logan	10.77	275.50
Winding Gulf	11.05	279.32
Kanawha	(1)	(1)
Average	9.80	234.84
Northeastern Kentucky	8.12	194.88
Hazard	10.25	208.30
Harlan	10.27	221.41
Average	9.55	208.20
Southern Appalachian	13.68	173.01
Average, all districts	10.14	219.09

[1] Not available.

Statement showing average hourly and weekly earnings of labor employed in various industries

Class I railroads	Average hourly earnings, actual cents	Average weekly earnings, actual dollars
FOURTH QUARTER, 1925		
All wage earners	61.3	$30.53
Train and engine service labor	89.0	46.44
Skilled shop labor	72.9	34.27
Unskilled labor	37.2	17.75
FIRST QUARTER, 1926		
Iron and steel manufacturing:		
Skilled	68.9	37.28
Unskilled	49.8	28.01
Agricultural implement manufacturing:		
Skilled	64.6	32.57
Unskilled	47.7	24.46
Automobile manufacturing:		
Skilled	69.2	34.81
Unskilled	51.8	27.63
Electrical apparatus manufacturing:		
Skilled	65.7	31.71
Unskilled	47.0	23.06
Foundry and machine shop products:		
Skilled	63.8	31.73
Unskilled	49.0	24.73
Foundries:		
Skilled	67.4	33.98
Unskilled	51.0	26.09
Machines and machine tools:		
Skilled	61.7	31.19
Unskilled	47.2	24.23
Heavy equipment:		
Skilled	69.2	33.68
Unskilled	49.6	24.68
Hardware and small parts:		
Skilled	58.8	29.20
Unskilled	45.2	22.33
Cotton manufacturing, North:		
Skilled	48.9	23.34
Unskilled	37.7	19.33
Cotton manufacturing, South:		
Skilled	35.2	17.89
Unskilled	25.3	13.00
Hosiery and knit goods manufacturing:		
Skilled	61.7	29.60
Unskilled	37.7	17.47
Silk manufacturing:		
Skilled	59.5	27.89
Unskilled	47.5	25.92
Wool manufacturing:		
Skilled	54.2	24.89
Unskilled	43.9	20.29
Leather tanning and finishing:		
Skilled	56.6	26.81
Unskilled	49.1	22.90
Boot and shoe manufacturing:		
Skilled	54.1	24.71
Unskilled	40.0	18.98
Chemical manufacturing:		
Skilled	59.8	30.82
Unskilled	50.9	27.62
Paint and varnish manufacturing:		
Skilled	59.0	32.13
Unskilled	46.8	21.69
Paper and wood-pulp manufacturing:		
Skilled	60.5	31.93
Unskilled	44.9	23.18
Paper products manufacturing:		
Skilled	60.9	28.95
Unskilled	47.7	23.97
Printing and publishing, book and job:		
Skilled	87.5	41.70
Unskilled	46.9	22.91
Printing and publishing, newspaper and periodical:		
Skilled	95.6	43.61
Unskilled	48.2	22.03

Statement showing average hourly and weekly earnings of labor employed in various industries—Continued

Class I railroads	Average hourly earnings, actual cents	Average weekly earnings, actual dollars
FIRST QUARTER, 1926—continued		
Furniture manufacturing:		
Skilled	61.8	$30.55
Unskilled	43.5	21.52
Lumber manufacturing and millwork:		
Skilled	60.8	29.13
Unskilled	38.0	18.65
Meat packing:		
Skilled	55.8	28.04
Unskilled	45.1	22.46
Rubber manufacturing:		
Skilled	74.6	33.82
Unskilled	53.6	26.78

Authority: National Industrial Conference Board Treatise on Wages in the United States, published May, 1926. Their reference No. 115.

NOTE.—In every instance the statistics covering the latest period shown have been used in the above statement.

Mr. HATFIELD. Mr. President, the coal miner in West Virginia is the highest paid mine worker in America, notwithstanding the handicap of the industry, according to statistics I have which I will discuss briefly. The same, however, can not be said of the owner in the way of a return on his investment.

I shall discuss the wages paid coal miners in West Virginia, and I am not referring to the highest paid men but to the average wage paid the rank and file of the coal-mine workers, including all men employed. For example, I have here a record of the earnings of 2,753 men employed by one company, who in the month of October, 1929, earned on the average $163.08 per month. The lowest wage for any class of these workers was $4.52 a day, or $122.04 a month. The highest wage for any class was $257.85 for the month of October, or $9.55 a day. This total average, amounting to $6.04 a day, or $163.08 a month, was for unskilled, semiskilled, and skilled workers. Only about 10 per cent of the number of men employed can be classified as skilled workers. This is the record of a company selling its coal in the open market. It is typical of the better class of mines in the State of West Virginia. This shows an average wage of 75½ cents an hour for skilled, semiskilled, and unskilled labor.

According to the reports of the National Industrial Conference Board, the statistics for 27 of the principal industries of this country, including Class 1 railroads, iron and steel manufacturing, foundries, automobile manufacturing, lumbering, chemicals, meat packing, and the other major industries of the country, show that the average wage paid skilled labor in these industries amounted to 63.6 cents per hour, and the average wage paid to unskilled labor amounted to 45.3 cents per hour. Under these conditions can it be said that the workers in the West Virginia mines are reduced to a condition of serfdom as compared with the workers of the principal industries of the United States?

There has never been any major labor controversy between the miners of West Virginia and the producers of West Virginia coal except such controversies as have been incited by competitors and producers of coal from other States.

The mine workers and operators of West Virginia entered into a contract providing that the employees in the West Virginia mines would not join the union during their term of employment. This situation was brought about, I am told, by the reported coalition between the United Mine Workers and the central competitive operators in an effort to curtail the mining industry of the State of West Virginia, and because of this combination the nonunion coalition developed, which furnished the basis for the Red Jacket case.

Living conditions in the mining towns of West Virginia are excellent, far superior to those found in most mining communities. In these towns may be found first-class schools and churches for both white and colored, splendidly equipped hospitals, recreation grounds, and in many cases miners' clubs or community centers. The houses are well built and comfortable and are furnished to the miners at an extremely low rental. Good hard roads are found in all of the mining communities.

The prevailing idea that earnings in West Virginia are low because mines operate nonunion is not borne out by the facts. In 1928 the mines in West Virginia worked on an average 223 days.

The records of mine operators show that in 1927 bituminous mine wage earners of one West Virginia company drew an average of $1,828.88 and those of another West Virginia company an average of $1,692.17. The statistical information submitted

shows that similar conditions obtain in the following fields south of the Ohio River: Logan, Kanawha, Thacker, Big Sandy, Hazard, Harlan, Kentucky, Pocahontas, Virginia New River, and Winding Gulf. In one operation in the Pocahontas field the earnings per man per day in 1927 averaged $6.81, this applying to day workers and piece workers. In one West Virginia operation less than 1 per cent of the men earned less than 45 cents per hour in 1927; less than 3 per cent earned under 50 cents per hour; and less than 10 per cent earned under 60 cents per hour, on an 8-hour-day basis. These earnings are typical of the wages paid in the West Virginia mining industry.

According to statistics compiled by the National Industrial Conference Board, the wage earners of the United States spend 27 to 32 per cent of their wages for rent, heat, light, and water. According to sworn testimony before the Committee on Interstate Commerce of the United States Senate, these items of living in West Virginia cost the miners less than 10 per cent of their wages for these four necessary or primary items in the living cost. In other words, after paying these expenses the average worker in the United States has 70 per cent of his wages left for food, clothing, education, recreation, health, and savings, while the coal-mine employees in West Virginia have 90 per cent of their wages for similar purposes. This does not mean that the wages themselves are low, comparatively speaking.

Again referring to the reports of the National Industrial Conference Board for the year 1928, "Wages in the United States in 1928," page 37 of their report, they make the following statement in regard to the earnings of employees of Class I railroads:

> For all wage earners the average hourly earnings, varying between 61.4 cents and 63.2 cents, are at a much higher level than for all wage earners in manufacturing industries. Indeed, the level of average wages for all wage earners in railway service approaches the average for skilled and semiskilled workers in manufacturing industries.

From this statement it will be seen that on the basis of an 8-hour day for the year 1928, which are the latest statistics available, all employees of Class I railroads in the United States averaged approximately $5 per day earnings for the days actually worked.

The report further shows that the average hourly earnings of the highest paid group in this service, that is, train and engine service, earned an average hourly wage of approximately 90 cents per hour or $7.20 per day, but it also shows that the unskilled labor on railroads for the last quarter of 1928 earned an average hourly wage of only 37.4 cents per hour.

Let us contrast the foregoing wages with the wages in the coal-mining industry in the State of West Virginia. The wages paid in the coal industry in West Virginia are not so uniform as the wages paid by the railroads, but the average daily wage is greater than the average daily wage paid by the railroads. In the large majority of the mines, according to sworn testimony of witnesses covering a large number of companies and thousands of men, the average hourly wage is more than 25 per cent in excess of the Class I railroad wages.

In the summer of 1928, pursuant to Senate Resolution 105, a large number of coal operators of our State were asked to appear at Washington before the Senate Committee on Interstate Commerce and to bring their books and papers showing wage rates and actual wage payments. These statements, given under oath, show that the bulk of the wages average materially in excess of the $5 per day paid by the railroads. For example, the sworn testimony of the president of the New River Co., in Fayette County, which company employed 2,085 men, showed an average wage of $5.57 per day. Similar testimony was given by Mr. Jones of the Pocahontas Fuel Co., Mr. Ott of the West Virginia Coal & Coke Co., Mr. Bradley of the Elk River Coal & Lumber Co., Mr. Coolidge of the Island Creek Coal Co., and others. Mr. Coolidge testified, for example, that his company, the Island Creek Coal Co., a typical employer of labor in Logan County, W. Va., employed 2,500 to 3,500 men, at an average wage of $6.47 per day; that only 1 per cent of these employees earned less than 50 cents per hour, that a large number of them earned more than 85 cents per hour, and that the average of all employees was 80.8 cents per hour.

I give these facts knowing when I do so that they have only an indirect bearing upon the controversial subject which is before this body at the present time. The only justification, therefore, is primarily to show that West Virginia miners are not subjected to serfdom and that they have privileges and comforts which a large percentage of the average workmen in America do not have; second, to indicate that there is an air of satisfaction and contentment among those who labor in the mining industry of West Virginia, generally speaking; third, that any intrusion that has resulted in a disturbance in the mining industry of West Virginia came from without the State; and fourth, when this influence came it was not in keeping with law and order.

I now desire to discuss briefly Judge Parker's attitude toward the colored people. As a jurist, his action in performing the duties of his office speaks louder than any proclamation uttered in his youthful days when aspiring for a political office, and while he is accused of certain statements incompatible with the best interests of the colored race, he strenuously denies them. His opinion in the segregation case which came up from Richmond, Va., dealing with the fourteenth amendment to the Constitution, is to my mind conclusive on this point. If there had been any room for doubt by the colored race as to Judge Parker's attitude toward them and their welfare, it should have been dissipated when he wrote this opinion. And again, when over his signature he says:

> I am grateful for the opportunity your inquiry affords of allaying, I hope successfully, any fear that may exist in the mind of any Senator, or indeed of any other citizen, with relation to my disposition to see enforced all of the provisions of the Constitution of our country. I need hardly say to you, who know me so well, that the slightest anxiety on the part of any person, of any race or creed, that I do not acknowledge the Constitution as the fundamental and supreme law of the land is wholly groundless, or that I regard it otherwise than as the first duty of the judge to enforce and give scope and effect to all of its provisions. In the discharge of my duties as circuit judge, I have never hesitated, I hope and believe, to meet this obligation in the fullest degree.
>
> The unfair effort to interpret some statements made some 10 years ago in a speech in a political campaign in North Carolina as indicating a contrary disposition is wholly unjust. What I then said on the subject of the negro was said in an honest effort to place myself side by side with the best men of both races who, for 20 years, had been seeking to create friendly sentiments and peaceful relations between the races in that State, and to enter my protest, in my capacity as a citizen and as the candidate of the minority party for the office of governor, against the motives of those who, for selfish purposes, sought to stir up racial antagonisms inimical to both.
>
> As a judge of the circuit court of appeals I have tried to discharge my duties in such a way as to demonstrate to all persons having business with the court that I knew neither parties nor individuals in the decision of cases, but endeavored to pronounce the law as I found it, to all alike. Such would be my effort if I were a member of the Supreme Court.

Mr. President, Judge Parker stands for the entire Constitution and all its amendments, from the first to the last. I am convinced that our 12,000,000 colored people will at least stand on an equal footing with the other races under the American flag so far as Judge Parker's influence will go in deciding any case affecting their rights and privileges as citizens.

In connection with the Red Jacket injunction case, which arose in my State, it can not be successfully questioned that his decision in that case was based upon and followed the decisions of the Supreme Court of the United States in like controversies. An application was actually made to the Supreme Court for a writ of certiorari to review his decision, but was denied, no doubt because that decision met with the approval of the Supreme Court, and it became thereby not only the decision of Judge Parker and his associates on the circuit court of appeals, but as well the decision of the Supreme Court itself.

Mr. President, it is said that if Judge Parker's nomination should be confirmed, he would hesitate to enforce the provisions of the fourteenth and fifteenth amendments to the Constitution of the United States in cases where the rights of colored people were involved, but his past conduct as a judge shows he has scrupulously given effect to the provisions of those amendments, and that, too, where the rights of colored people were involved. I refer again to the case of the City of Richmond *v.* Deans, Thirty-seventh Federal Reporter, second series, at page 712. In addition to this, those who know Judge Parker and have watched his judicial career must know that no man in the land would more scrupulously carry into execution and enforce in every detail the provisions of those two amendments.

The West Virginia counsel in the Red Jacket case, the Hon. Thomas C. Townsend, who has long been an acknowledged champion of union labor in West Virginia, who has had the complete confidence of labor for a long term of years, and who is recognized as one of the most able lawyers in the State and Nation, has told the subcommittee of the Judiciary Committee that Judge Parker's decision in the Red Jacket case was not to be criticized from the standpoint of his clients, the United Mine Workers. Mr. Townsend not only has the confidence of labor in West Virginia, but has the confidence of the people of the whole State. He is at present the tax commissioner of West Virginia, one of the most important offices under the State government. He has always championed the interests of the common people and endeavored to protect the small farm owner and the laborer from exactions and unnecessary burdens.

The adverse criticism made of labor lawyers generally by the senior Senator from Idaho surely does not apply to Mr. Townsend. He ranks high as a lawyer, and he has assured me personally that there is nothing in Judge Parker's judicial record that would justify the conclusion that as a Justice of the Supreme Court of the United States he would not in every respect be a just judge and a competent member of that great tribunal.

I am impressed with the feeling that Judge Parker's attitude of regard and reverence for the law as evidenced by his respect for the conclusions of the Supreme Court is in keeping with and supportive of stable government. Such integrity and devotion, Mr. President, on the part of the members of the Federal judiciary, constitute the foundation stone upon which this Government rests and which must be protected in all the years to come.

The VICE PRESIDENT. The question is, Shall the Senate advise and consent to the nomination of John J. Parker to be Associate Justice of the Supreme Court of the United States?

Mr. FRAZIER. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Smoot
Ashurst	Frazier	McKellar	Steiwer
Baird	Gillett	McNary	Stephens
Barkley	Glass	Metcalf	Sullivan
Bingham	Glenn	Norris	Swanson
Black	Goldsborough	Nye	Thomas, Idaho
Blaine	Gould	Oddie	Thomas, Okla.
Blease	Greene	Overman	Townsend
Borah	Hale	Patterson	Trammell
Bratton	Harris	Phipps	Tydings
Brock	Harrison	Pine	Vandenberg
Broussard	Hastings	Pittman	Wagner
Capper	Hatfield	Ransdell	Walcott
Caraway	Hawes	Robinson, Ark.	Walsh, Mass.
Connally	Hayden	Robinson, Ind.	Walsh, Mont.
Copeland	Hebert	Robsion, Ky.	Waterman
Couzens	Howell	Schall	Watson
Cutting	Johnson	Sheppard	Wheeler
Dale	Jones	Shipstead	
Deneen	Kendrick	Shortridge	
Dill	Keyes	Simmons	

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

Mr. FESS. Mr. President, day before yesterday, when I was occupying some time on the floor, I referred to an incident that was alleged to have taken place between Henry Clay and Roger B. Taney. The Senator from Idaho [Mr. BORAH], who is always responsive to any matters historical, stated that while he appreciated the beautiful picture, he had never been able to verify the accuracy of it.

If there is any one thing that I should like to have to my credit it is a reputation for accuracy, and to avoid the charge that loose or incorrect statements are made; because I presume that one of the characteristics of the mind of anyone who has been identified with the youth of the country, especially in a historical manner, is that he gets into the habit of making statements that can not be inaccurate if he has any regard whatever for what he is saying or teaching.

That is one reason why I have the habit of not making statements unless I have some ground for them; so, quite naturally, I looked for the source of the story about Clay and Taney, and I ascertained the origin of it. It was due to a debate that took place in this Chamber on a matter relating to the Supreme Court at a time when Taney was very bitterly criticized. An address had been delivered by Henry Wilson, Senator from Massachusetts, and the debate had been participated in also by Charles Sumner, of the same State. The latter was very bitter in his criticisms; the former not so bitter.

One of the many great minds from the State of Maryland, domiciled at the city of Baltimore, was Reverdy Johnson. He was in his day one of the greatest lawyers of the country. By the way, Mr. President, I am impressed with the very high rank in other days of the bar of the State of Maryland, including such men as William Wirt, who was credited, and I think properly so, with being one of the greatest lawyers, as well as one of the greatest orators, of the country. William Wirt was also a biographer of Patrick Henry; and one of the most readable books of my memory is Wirt's life of this natural orator of the Republic.

In addition to Wirt, who had occupied the position of Attorney General and other high positions, there was at that bar William Pinkney, sometimes confused with the famous South Carolinian, Pinckney. As Senators will remember, there were two Pinckneys of great distinction from the State of South Carolina. They reached a very high plane not only as lawyers but as statesmen. But the great lawyer of the three was William Pinkney, of Baltimore. He is rated as one of the greatest lawyers who ever appeared before the Supreme Court; and in almost every great case that was tried for 15 years Webster was likely to be on one side and Pinkney on the other.

In addition to these two was the famous Roger B. Taney, not below either one in rank and ability; and while Sergeant was regarded equal to them, and much of the time in Baltimore, as you will recall, he came from Philadelphia. But this bar had the leading rank of the country; and I might also state that this being the fourth judicial circuit, it happens to be the Chief Justice's circuit, and was always so regarded during the time that a member of the Supreme Court presided over the circuit. It was assigned to the Chief Justice of the court.

I have looked over the list of great names that have been on the court from the fourth judicial circuit; and any Senator who will recall to his mind the men who have been on the court from this circuit will find that it ranks as high as, if not higher, than any other circuit. There was John Marshall, the Chief Justice for 34 years, from this circuit. There was Roger B. Taney, the second Chief Justice, who was at the head of the court for 28 or 29 years. There was P. P. Barbour, a very distinguished jurist from Virginia, on the bench. There was James Iredell, from North Carolina, who was regarded in his day—although he was on the bench but a short time, because of a premature death—as one of the most brilliant lawyers of the country; and Iredell is being quoted as much, for the short time he was on the bench, as any member who ever sat on that bench. Then there was Bushrod Washington, who had considerable rank.

I mention just a few of these. All of them gave great reputation to the fourth circuit; and I am of the opinion, from what I can glean, gathering information from those who know, that Judge Parker will make a fit successor of the judges who have been on the bench from this circuit. I happen to know that a great number of splendid lawyers, whose judgment I would take on any matter of this kind, give him the very highest praise as a judge to-day.

Mr. OVERMAN. Mr. President——

Mr. FESS. I yield to my friend.

Mr. OVERMAN. John J. Parker is a descendant of the great Judge Iredell.

Mr. FESS. That is a bit of very interesting information of which I was not aware—that Judge Parker is a descendant of the great James Iredell, who sat on the bench away back in Washington's time, and who, at the time of his appointment, was only 33 years of age.

Now, coming to the subject of the discussion that was conducted here in the Senate Chamber, I wish to read just a portion of the famous Reverdy Johnson's remarks. Reverdy Johnson, of Baltimore, was one of the country's greatest lawyers, and also was a great Senator. He said:

> Now, Mr. President, I think whatever may be the opinion of the honorable Member from Massachusetts—

That refers to Wilson—

> or of any other Member of the Senate, that if there is any department of the Government which, from the beginning of its organization to the present hour, the public in general, may be proud of, it is the judicial department of the Government as far as the Supreme Court constitutes a portion of that department. And I am not singular in that opinion. It is not necessary to advert to what was the impression of the people of the United States, the bar, and the public, during the days when that tribunal was presided over by Marshall, for the purpose of calling to the recollection of the Senate what I am sure is fresh in their remembrance, and to which, therefore, their recollection need not be specially called, that there was throughout the length and breadth of the land the most implicit confidence not only in the absolute integrity of every member of the bench but in the unequaled ability of all the members of the court, and especially of him who in public estimation towered above the rest, John Marshall. And although it would seem to be perhaps inappropriate, let me say to the honorable Member from Massachusetts that much as he may now disparagingly think of the venerable man who presides over the deliberations of that tribunal—

Referring there, of course, to Roger B. Taney—

> and has for the last 20 or 30 years, he is not alone in that particular. When his name was before the Senate of the United States for confirmation, first as Justice of the court, and secondly as Chief Justice, his confirmation was resisted steadily, zealously, by, among others, Clay, of Kentucky. There was hardly an opprobrious epithet which, as he told me himself afterwards, he failed to use against the nomination; and from a conviction that the nominee was unfit, and would prove to be unfit, for the discharge of the duties of the judicial station. But I say it, and it is due to the memory of the dead, and due to him who now survives, survives tremblingly, his life having been protracted much beyond, as we know, the ordinary period of human life, and who has devoted himself with untiring energy, and with exclusive devotion, and with unsurpassed ability, to the duties of his station, that after he had

been upon that bench some four or five years, and Mr. Clay had been the witness, from having practiced before him and read his decisions, of the manner in which his duties had been discharged, he, as he told me himself, after hearing an opinion delivered by the presiding judge, went to his quarters to see him, and found him alone; he said he felt the embarrassment necessarily incident to the object of his visit; and after exchanging the salutations suited to the occasion, and being about to leave him, he took him by the hand and said—

I quote now an address delivered by Johnson in this Chamber in 1864, and it was the same year that Taney died. I quote Reverdy Johnson's statement of the words of Henry Clay, as they appear on page 1363 of the Congressional Globe for March 31, 1864.

"Mr. Chief Justice, there was no man in the land who regretted your appointment to the place you now hold more than I did; there was no Member of the Senate who opposed it more than I did; but I have come to say to you, and I say it now in parting, perhaps for the last time, I have witnessed your judicial career, and it is due to myself and due to you that I should say to you what has been the result; that I am satisfied now that no man in the United States could have been selected more abundantly able to wear the ermine which Chief Justice Marshall honored."

Mr. Johnson goes on:

And with the tears trickling down the checks of both—I speak the words of Henry Clay—they parted; and that opinion he continued to hold up to the last moment that his life was a blessing to the country.

Mr. President, it is no light thing to assail the Chief Justice of the United States or that high tribunal. We have an interest, jurisprudence has an interest, justice has an interest, the Nation has an interest in maintaining the character of that tribunal against all unjust reproach. It is no light thing to pronounce a decision given by such a tribunal as that as a disgrace. I never deal in epithets, Mr. President, if I know myself. I am willing to give, and I always do allow, to him who differs from me upon any question about which it is possible for a difference of opinion to exist, the credit of sincerity and honest conviction, and I can not therefore stand still and hear a tribunal like that assailed, as I think, unnecessarily by anybody and particularly by the Honorable Member from Massachusetts, who stands, in the estimation of his friends, so high aloft that his voice is heard the land over, and is, in their impression, potential.

While it is true that that is only testimony, we have no documentary evidence other than this, yet Mr. Johnson gives it as a recital of the statement made to him by Henry Clay. However, I was not simply interested in making that statement for the accuracy of history. After reading it I thought it was a splendid estimate of the Supreme Court in that day.

Mr. President, when we recall the time that sentiment was uttered, right at the last of the Civil War, in 1864, with bitterness in the country which probably had never reached such a degree, it was quite natural that there would be extravagant statements; and in the midst of it there arose what we would call a Whig in politics, not agreeing with the radicals, who were then known as Republicans, who were assailing the Supreme Court because of its position on the fugitive slave law, and who were so extravagant that one of the leaders said that the Constitution was a covenant of hell and in league with the devil.

One of the great thinkers of the United States, one of the most brilliant orators we ever had, made that statement with reference to the Constitution. At that time the excitement had run so high that there was danger of the Supreme Court being sufficiently attacked to break it down. It was for Mr. Johnson to make this defense of it in the midst of the war.

Mr. President, I did not intend to occupy any time this afternoon, but while I am on my feet I will take a little time to indicate the rule of construction that was laid down by Marshall. I believe it is good yet. But before I do that I want to indicate the view of Washington as to the characteristics of the members of the court. Washington wrote this letter giving his view as to what should be the qualifications of members of the court. I quote:

Considering the judicial system as the chief pillar upon which our National Government must rest, I have thought it my duty to nominate for the high offices in that department, such men as I conceived would give dignity and luster to our national character, and I flatter myself that the love which you bear to our country and a desire to promote the general happiness will lead you to a ready acceptance of the inclosed commission which is accompanied with such laws as have passed relative to your office.

The only occasion for me reading that is to give a contemporary opinion of the value of the judiciary. Washington, the presiding officer of the convention, who knew the 55 members of that convention and their positions from the standpoint of political science as probably no other man knew them, believed that the judiciary was the chief pillar upon which our National Government must rest. I think that was not only true then, but that it is true at the present time.

Washington made another statement that is quite significant.

Mr. BORAH. Mr. President, to whom was that first letter addressed?

Mr. FESS. It was addressed to each one of the appointees on the court.

Mr. BORAH. At that time Washington was appointing John Jay Chief Justice, was he not?

Mr. FESS. John Jay was appointed Chief Justice, and this letter was sent to each member who went on the Supreme Court.

Mr. BORAH. It would be well to read the names of the entire membership as he appointed them under that rule.

Mr. FESS. I will do so. The entire membership was: John Jay, from New York, 44 years old; John Rutledge, of South Carolina, 50 years of age; William Cushing, of Massachusetts, 57 years of age, who, by the way, later on was rejected by a Senate which did not like him; James Wilson, who was regarded by contemporary opinion as the keenest jurist in the Constitutional Convention, from Pennsylvania, only 47 years of age; John Blair, of Virginia, 57 years of age; James Iredell, of North Carolina; Thomas Johnson, who was appointed, and who resigned in two years; William Patterson, another member of the Constitutional Convention; and then later John Rutledge was appointed Chief Justice, and was rejected by the Senate because of his speech on the Jay treaty, as the Senator will recall; then Samuel Chase was appointed just before Washington went out, in 1796; and Oliver Ellsworth was appointed Chief Justice when John Rutledge was rejected by the Senate.

Mr. BORAH. Mr. President, has the Senator a list of the Members of the Senate who rejected him?

Mr. FESS. No; I could find it, but I do not have it here.

Mr. WALSH of Montana. Mr. President, there seems to be running through the thought of the Senator from Ohio, if I grasp it aright, the idea that those who are supporting the nomination of Judge Parker are upholding the dignity, the honor, and the prestige of the Supreme Court, while those who are opposing him are assailing it and endeavoring to bring it into disrepute and disrespect. Have I correctly appraised the thought of the Senator?

Mr. FESS. No. The Senator who is now speaking is convinced that there has been an effort to break down the Supreme Court as it exists in history by attacking the nominees who do not fit in with the particular views of those who criticize in regard to the matter of the functions of the Supreme Court. The Senator is convinced that that is true at this time. Of course, I do not mean that every Senator who will vote for Parker is taking the view I take, and I do not mean at all that every Member who will vote against Parker is actuated or motivated by a desire to attack the Supreme Court. But I think the Senator will agree with me that I have reason for being concerned about the manufactured clamor looking to the defeat of this nominee. It is on a par, but not quite so distinguished, as opposition to Mr. Hughes.

Mr. BORAH. Mr. President, I could but wish the manufactured clamor would be as effective as some other manufactured things that are going on on the other side.

Mr. FESS. Mr. President, when I say "manufactured clamor," I refer to things like the telegram I hold in my hand. Let me say to the Senator from Idaho that he has no more respect for this thing than I have. Here is a wire which comes to me:

DEAR SIR: Through the colored press and the National Association of Colored Women's Clubs I am asking the colored women of Ohio to note your stand in the Parker case.

Yours very truly,

———— ————,

Chairman of the National Political Study Club, 1752 T Street NW.

I do not read the name, because I have too much respect for the person who wrote this. I happen to know who it is. Now, let me read another one.

Mr. BORAH. Mr. President, let me read one following that, which will fit right in there.

Mr. FESS. Very well.

Mr. BORAH. This telegram reads:

The Republicans of North Carolina deplore your attitude relative to the confirmation of Judge Parker as Associate Justice of the United States Supreme Court. We are building a great Republican Party in this State. The lack of Judge Parker's confirmation will destroy our hope. Why let a fanatic like Green or the negro element which we shall never tolerate prevail?

Mr. FESS. Mr. President, I am somewhat surprised that that telegram should have been sent to the Senator from Idaho.

Mr. JOHNSON. Oh——

Mr. FESS. I could understand how it might be sent to some Members of the Senate.

Mr. JOHNSON. The Senator from Idaho is not alone in receiving telegrams of that sort.

Mr. FESS. No.

Mr. JOHNSON. They have been received by many Members of the Senate, and the appeal has been made solely in the interest of a political party that we vote for the confirmation of Mr. Parker. So it would seem to me that in the matter of propaganda it is "horse and horse."

Mr. FESS. O Mr. President, the Senator from California is keen enough to appreciate the difference between expressing an opinion as to what would be the effect politically or otherwise, and a threat such as this telegram.

Mr. JOHNSON rose.

Mr. FESS. In just a moment. Will the Senator wait until I read another telegram?—

Press reports of your speech made yesterday seeking confirmation of Judge Parker show how little you regard the interests, wishes, and welfare of the colored people of the country and of Ohio. Your speeches and attitude shall not be forgotten by the colored people. Should you ever come before the people again seeking office we shall certainly do all in our power to defeat you.

Where does that telegram come from? It comes from Chicago.

Mr. JOHNSON. Does the Senator pay any attention to that sort of thing?

Mr. FESS. No!

Mr. JOHNSON. Does he think there is any difference in principle between that sort of a telegram and the telegram which is sent to Senators here that this confirmation must be had in order to bolster up a political party in North Carolina?

Mr. FESS. Mr. President, if somebody who might be a Republican down in the State of North Carolina would think that his fortunes would be benefited by having this man confirmed or that man defeated, we would permit him to express his opinion, although it is a very indiscreet thing for him to do. But that is not on a par with the statement that, "We will take care of you and defeat you," signed by an organization, and the Senator knows it is not.

Mr. JOHNSON. As a matter of principle and logic there is not the slightest difference.

Mr. FESS. Oh, yes; there is.

Mr. JOHNSON. Indeed, when the appeal is made to this side of the Chamber solely upon political grounds that a man shall be confirmed as a member of the Supreme Court, it is more reprehensible than when some poor benighted individuals may threaten the Senator with political extinction.

Mr. FESS. I am glad the Senator uses the term "poor benighted individuals." That is good, and I think I agree with him in what he said.

Mr. JOHNSON. On both sides there are poor benighted individuals.

Mr. FESS. Mr. President, I know the Senator's motive. The Senator is no more opposed to making an appointment to the Supreme Court one of a political nature than I am.

Mr. JOHNSON. Then we agree that much, anyway.

Mr. FESS. While heretofore that rule was universally applied, McKinley was the first President to break it. He appointed a Democrat. Taft appointed two Democrats, or three, I have forgotten which. Taft went out of his party in the matter of appointments to the Supreme Bench. The Senator and I thought it was a wise thing to do. The same thing was done by Harding.

Whatever else some enthusiastic Republican might do or say, I know that the one concern in the appointment of a man to the Supreme Court is to find a man of ability, of unquestioned integrity, a man of honor, of fair dealing, who will not be partial to any particular interest or race, whether it be a question of servitude, color, or what not. That is the desire on the part of those of us over here who are refusing to be bludgeoned, for whatever reason, to vote against a man because of some particular opposition that might be organized against him.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. PINE in the chair). Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. I yield.

Mr. BORAH. I am getting a little interested in the constant reiteration of the Senator about people who are "refusing to be bludgeoned," as if somebody else was consenting to be bludgeoned.

Mr. FESS. I do not mean that anybody is consenting to be bludgeoned. I mean that I will not be bludgeoned.

Mr. BORAH. Does the Senator mean to say that simply because Senators differ with him they are yielding to influences which the Senator characterizes as "bludgeoning" influences?

Mr. FESS. I am referring to the effort on the part of interested or disinterested people in demanding that I do this at the price of my remaining in this body. The Senator thinks of that thing just as I do.

Mr. BORAH. Let me say to the Senator that when Judge McClintic rendered his opinion in the Red Jacket case in the lower court and sustained this contract, some of us went on record at that time against the contract, believing that it was such a contract as ought not to find embodiment in American jurisprudence, and we have been fighting along that line ever since.

Mr. FESS. I give the Senator absolute freedom so far as I am concerned to continue his fight.

Mr. BORAH. I thank the Senator! [Laughter.]

Mr. FESS. The Senator is entirely welcome!

I want to read a statement in reference to this particular point of controversy:

In that respect Judge Parker's position was unassailable if the duty of inferior and intermediate courts is to apply the law to the facts as it is interpreted by the highest authority. That assumption limits the reviewing court to determining whether the trial judge had correctly applied the principle as enunciated by the court of last resort. But the question raised by the protest is one of personal attitude, which under the state of facts stated by the Department of Justice would presuppose some discretion on the part of the reviewing judge to disagree with the rule laid down for his guidance.

Judge Parker may or may not have expressed approval of the precedent; but he approved the action of the district judge in following it. Had he found it repugnant to his sense of justice and contrary to his construction of the fundamental law, what should have been his course? It was cited in the briefs and specifically referred to in the judgment of injunction as the reason for granting it. Should he have criticized the decision of the Supreme Court, indicated its fallacy, and sent the case up to the Supreme Court on appeal with a recommendation that the precedent be overruled, or should he have criticized the decision, while affirming the judgment, and allowed the defendants to take an appeal, supported by his sympathetic opinion?

It could be done; yet a judge would have to feel very strongly on the subject and be perfectly sure of his ground to do it, for a Supreme Court decision is as much the law of the land as a statutory enactment is. The decision can be overruled, the statute amended or repealed; but so long as either stands unchanged by the authority which made it no one else may challenge its validity. A reversal of the Red Jacket injunction case by Judge Parker would have been ineffectual unless he could have persuaded the Supreme Court by the cogency of his opinion that it had erred in a similar case.

That course isn't customary. Settled policy is a corner stone of jurisprudence.

That is a statement which ought to have some effect: "Settled policy is a corner stone of jurisprudence." If a decision of this court is not to stand until it is reversed by the same court when it is the court of last resort, the result would be chaos; it would be anarchy! What we insist upon is such respect for the judgment of the court of last resort that a lower court shall not ignore it. The lower court, of course, can express its opinion different from the upper court, and if the parties in litigation then desire that the upper court should hear it, there is a way under the law to have the upper court hear it. That way was open and was resorted to, and the upper court, studying the situation, declined to approve it. Yet now we are finding fault with Judge Parker for respecting the decision of the Supreme Court of the United States, which it is the duty of every citizen to respect until those decisions are reversed, for it is as much the law as if it were written in the law. We are finding fault here with a man because he did not do what, so far as I know, no one of any reputation for jurisprudence has done. It is wholly outside of the practice.

Mr. President, there has been some dispute as to what is to be the rule of construction. I had thought of reading the opinion of Washington, but I shall not take the time to do it.

Adams made the following statement:

Prophecies of division have been familiar in my ears for six and thirty years; they have been incessant, but have had no other effect than to increase the attachment of the people to the Union. However highly we may think of the voice of the people sometimes, they not infrequently see further than you or I in many great fundamental questions. Nevertheless, it was of high importance to the survival of the American Union that its judiciary at least should be so constituted as to prove a bulwark against the spread of such false constitutional doctrines.

If we have no respect for the decisions of this court of last resort, what shall be the effect of law in a country that is a country of law? There are men who want the matter of law to be a matter of men, but I insist that the Government is a government of law, and not a government of men. Law is sub-

stantial and looks to stability. Men's minds are as varied as there are numbers of men. No two people looking at the same thing inevitably come to the same conclusion. It is natural that they differ.

The father of the Constitution—James Madison—gave this suggestion of the rules of construction:

A supremacy of the Constitution and laws of the Union without a supremacy in the exposition and execution of them would be as much a mockery as a scabbard put in the hands of a soldier without a sword in it.

I wonder if we have that "without a supremacy in the exposition"? It is not alone a question of the Constitution and of the laws, but a supremacy of the Constitution and laws without a supremacy in the exposition of them—that is, in the Supreme Court—is like giving a scabbard without a sword to a soldier. So said James Madison.

Alexander Dallas, Secretary of the Treasury in Jefferson's Cabinet, later on a distinguished reporter for the Supreme Court of the United States and once Vice President of the United States, said:

The Constitution is the supreme law of the land, and not only this court but every court in the Union is bound to decide the question of constitutionality. They are bound to decide an act to be unconstitutional if the case is clear of doubt, but not on the ground of inconvenience, inexpediency, or impolicy. It must be a case in which the act and the Constitution are in plain conflict with each other.

So I might go on indicating the opinion of our fathers and those who followed them as to the qualifications of members of the Supreme Court Bench.

Fillmore, whose nominations were rejected, in pointing out the requisites of a member of the Supreme Court, says this:

A vigorous constitution, high moral and intellectual qualifications, a good judicial mind, and such age as give prospect of long service.

Those were the qualifications in the mind of a President. Then he wrote to Daniel Webster and asked his opinion of Benjamin R. Curtis, whom he was thinking of appointing. Before Webster had received the letter he had written the President a letter recommending Rufus Choate as the one most eminently fitted, but doubted whether or not he would accept.

In the same letter, although it was not in reply to President Fillmore's letter, because Webster had not then received it, Webster said in case of the refusal of Rufus Choate to accept, he recommended Benjamin R. Curtis as a man of suitable age, good health, excellent habits, sufficient industry, and love of labor, and in point of legal attainments and general character in every way fitting.

I mention this to indicate the qualities that should be possessed by members of the Supreme Court Bench. I am told by lawyers in whom I have confidence—and if I should name them there is not a Senator here who would not say he has confidence in them—that if Judge Parker shall be placed on the Supreme Court at the age of 45 there will be nothing to regret; that he will make a really great judge. I have that testimonial unsolicited from a number of sources, but especially do I have it from one or two men to whom I personally directed the question in order to get their reaction.

Speaking of the rule of interpretation, I want to take a brief time to indicate the rule laid down by Marshall. I am going to do it at the expense of taking the time of the Senate, although I should much prefer not to do so. As Senators will recall, the conduct of Aaron Burr in 1807 led Jefferson to believe that he was going to establish an empire in connection with what later became the Louisiana Purchase and Mexico. The President was very bitter over the act and was most desirous to bring Aaron Burr to justice. As will be remembered, Aaron Burr was arrested and brought to Richmond for trial. Marshall was on the bench and presided at the trial. There was a technicality in that case because the indictment had alleged the treason to have taken place on a certain island in the Ohio River which was known as Blennerhassett Island. It was demonstrated that Aaron Burr was not at that island at that time, whereas the allegation in the indictment was that the act was committed there, and upon that technicality the Chief Justice would not admit testimony to show what Burr was doing away from the island. On that technicality Marshall ruled in favor of Burr, which greatly angered the President.

Mr. BORAH. Chief Justice Marshall's ruling was that there was no such thing as constructive treason under the Constitution.

Mr. FESS. That was precisely his ruling; he ruled that there was treason, but that Burr had to be construed to be present, because he was not where he was alleged to be. The case did not really turn on what Burr had done, but on the allegation that he was at Blennerhassett Island.

I do not know that it is worth while for me to read the statement of the Chief Justice on that point. I can give the substance of it. As I recall, the Chief Justice said that no one willingly would do a thing which would bring criticism to him; that no one would be willing to drink the cup if it could be passed from his lips; but where there was no choice left to him except to act in accordance with the law of the land or to win the favor of the public a man fit to be on the bench would not hesitate as to the course he should pursue.

Jefferson wrote to James Bowdoin, jr., in 1807:

The fact is that the Federalists make Burr's cause their own and exert their whole influence to shield him from punishment. It is unfortunate that Federalism is still predominant in our judiciary department, which is consequently in opposition to the legislative and executive branches and is able to baffle their measures often.

That statement called forth this utterance on the part of Chief Justice Marshall:

If Burr's crimes were ten times greater than the bitterest of his enemies allege, we hope he will only suffer as the law directs. If once a law is subservient to motives of policy, or, what is worse, to suit the views of party, we may bid a long farewell to all our boasted freedom. The judge does not make the laws; he expounds them and is bound to see that the trial be conducted according to law. Such, we believe, has been the conduct of the court on the present occasion and such we hope it will ever be. The judge who permits reasons of state or popular opinions to influence his judgment would be a fit member for a star-chamber court or a revolutionary tribunal, but is wholly unqualified for a judge in a court which has been established by the Constitution and laws of a free and independent nation.

I think that statement is just as sound to-day as it was when it was uttered.

The predicament in which this court stands in relation to the Nation at large is full of perplexities and embarrassments. It stands in the midst of jealousies and rivalries of conflicting parties, with the most momentous interests consigned to its care. Under such circumstances it never can have a motive to do more than its duty; and I trust it will always be found to possess firmness enough to do that. It is not for judges to listen to the voice of persuasive eloquence or popular appeal. We have nothing to do but to pronounce the law as we find it; and, having done this, our justification must be left to the impartial judgment of our country.

So spoke John Marshall after the most bitter criticism because of a certain ruling made by him.

Who that knows and respects eminent abilities, the unsullied integrity, the great legal knowledge, and the most amiable character of Chief Justice Marshall will not resent the unwarrantable insinuations that in the trial of Burr, he abused the benignity of general maxims; witheld from the jury testimony sufficient for his conviction, and that in consequence of this suppression of evidence, Burr was acquitted? Again both the law and the judge are assailed.

That was the estimate of Timothy Pickering in 1808 of the decision rendered by John Marshall, who refused to yield to clamor, but held to the limitations of the law.

Craig against Missouri was a case in which constitutional supremacy as against State sovereignty was involved. In that case Marshall said this:

These are considerations which address themselves to those departments which may with perfect propriety be influenced by them. This department can listen only to the mandates of law, and can tread only that path which is marked out by duty.

That is just as true to-day as it was when it was uttered in this case. In the decision of judicial questions the moment courts shall employ the latitudinal privilege of personal opinions, determined by emotions, motivated by passions and without respect to the limitations of law, anarchy is going to be the result. That is why I do not appreciate a certain kind of criticism, whether directed against the Supreme Court or against a particular judge of the court or against a man who happens to be an appointee of the President to the court. What we should require of any man who goes on the Supreme Court Bench is to know the law, to ascertain the facts, and within the law and upon the facts to render a decision that is impartial. Any other standard is unsafe.

In argument we have been admonished of the jealousy with which various States of the Union view the revising power intrusted by the Constitution and laws of the United States to this tribunal.

To observations of this character the answer uniformly given has been that the course of the judicial department is marked out by law.

We must tread the direct and narrow path prescribed for us. As this court has never grasped at ungranted jurisdiction, so it will never, we trust, shrink from the exercise of that which is conferred upon it.

So spake Marshall in the case of Fisher against Cockerill. And yet that rule laid down by the builder of American nationality, which secured to us the stability that comes from uniformity of decisions in accordance with law, is criticized because it is within the limits of the law and does not go beyond the law. The moment the Supreme Court goes beyond the limitations of law that moment the court will be a usurping body, because the only way it can avoid the usurpation of which there is fear is by holding to the law.

Mr. President, this is the country of the written Constitution. While we are young, we are the oldest country that has a written constitution. The Constitution is the letter of the American people in the form of instructions to the Congress of the United States and to the President of the United States and to the Supreme Court of the United States. The legislature can not go beyond that letter of instructions, and the President can not go beyond the letter of instructions. Should he do it, impeachment awaits him; and the Supreme Court, which is to determine what the law is, must stay within the law and the Constitution, and not use its own opinions as the limit of its latitude. Otherwise there is not any protection at all.

One of the most difficult and heatedly discussed cases that called for a very pronounced decision was Cohens against Virginia. After stating the case, Marshall said this:

If such be the Constitution, it is the duty of the court to bow with respectful submission to its provisions. If such be not the Constitution, it is equally the duty of this court to say so, and to perform that task which the American people have assigned to the judicial department.

The complaint against this man or that man is that he did not use latitude. It is complained that he held too closely to the instructions of the law upon which he was making his decision. That that will not be done is the very thing I am afraid of. That is why I am reading these rules of constitutional interpretation.

Where is the man who would to-day declaim against the keen mind, the clear construction, the discerning interpretation of John Marshall? Yet, Mr. President, when John Marshall died some very reputable newspapers expressed relief over his death, because, they said, "Now we shall be relieved from the domination of the court by the type of man that John Marshall was." That is true, and I can quote it to you. The man who established nationality in a series of decisions unequaled in the history of jurisprudence in all the world was criticized all along the line; and even when he died relief was expressed that no longer would the Supreme Court be presided over by that sort of a man.

Marshall, in the Antelope case, had this to say:

In examining claims of this momentous importance, claims in which the sacred rights of liberty and of property come in conflict with each other, which have drawn from the bar a degree of talent and eloquence worthy of the questions which have been discussed, this court must not yield to feelings which might seduce it from the path of duty but must obey the mandates of the law.

That is the procedure, the conduct, that comes in for criticism here. What is it that we hear about the Supreme Court that certain individuals do not like? This was spoken back in 1825. It is heard in almost identical language to-day as a subject of criticism.

In examining claims of this momentous importance, claims in which the sacred rights of liberty and of property come in conflict with each other—

That referred to the conflict between property rights and human rights, which we hear so much about in these days—

which have drawn from the bar a degree of talent and eloquence worthy of the questions which have been discussed—

The talent that was drawn was such as Webster and Clay and William Pinkney and John Sergeant and Reverdy Johnson, and that type of man—

this court—

Hear me, Senators!—

this court must not yield to feelings which might seduce it from the path of duty, but must obey the mandates of the law. It is not wonderful that public feeling should march somewhat in advance of strict law. Whatever might be the answer of a moralist—

And we hear a good many of them in these days—

Whatever might be the answer of a moralist to this question, a jurist—

Not a moralist—

a jurist must search for its legal solution in those principles of action which are sanctioned by the usages, the national acts, and the general assent of that portion of the world of which he considers himself a part, and to whose law the appeal is made.

There is not any statement that is more pertinent than that statement to this criticism against Judge Parker. That was in 1825.

Marshall further said, in another case:

The court can be insensible neither to the magnitude nor delicacy of this question.

But he added:

On the judges of this court is imposed the high and solemn duty of protecting from even legislative violation those contracts which the Constitution of our country has placed beyond legislative control; and, however irksome the task may be, this is a duty from which we dare not shrink.

I am not going to pursue this further. I have examined the numerous decisions of John Marshall, and have taken certain excerpts that touch this particular duty of constitutional construction. Marshall, as I stated before, lived to 1835. One of the men who did not agree with Marshall, but who was the lieutenant of Andrew Jackson—and who, by the way, succeeded Andrew Jackson in the Presidency—was Martin Van Buren. Whatever else may be said about Martin Van Buren, he was a man who, while rather bitter politically, yet was fair and broad-minded. He had this to say, speaking of the Supreme Court:

They possess talents of the highest order and spotless integrity, and * * * the Chief Justice is in all probability the ablest judge now sitting upon any judicial bench in the world.

That is from a source opposite in politics to the Chief Justice.

Wirt, who did not agree with Marshall in politics, said:

This power of analysis, the power of simplifying a complex subject and showing all its parts clearly and distinctly, is the forte of Chief Justice Marshall.

* * * * * * *

You will see the opinion by which Marshall stopped the trial for treason. The trial for misdemeanor will begin to-day. It will soon be stopped. The second prosecution of Burr is at an end.

So said a critic of Marshall.

A friend writing to Webster said:

What President has done as much for his country as John Marshall has in the station he has occupied? And who has secured for himself a more imperishable fame? So long as the judiciary shall remain unpolluted, and shall possess intelligence, the citadel will be defended against the machinations of the Executive or the sudden convulsions of the people.

The closest friend of John Marshall was Joseph Story. He was appointed to the bench away back in 1811. He remained on the bench until 1845—the year Jackson died, three years before the death of John Quincy Adams—during all that time constantly sitting on the bench delivering opinions, many of which I have here, that I may ask, some time later, to place in the RECORD. This is the man whose opinion of Marshall would be most appreciated:

Great, good, and excellent man! I perceive we must soon, very soon, part with him forever. * * * I shall never see his like again. His gentleness, his affectionateness, his glorious virtues, his unblemished life, leave him without a rival or a peer.

I am trying to get before the Senate the standards that we will require on the Supreme Court; but especially I am trying to refresh the minds of Senators that these men like Marshall and Story constantly had their critics, who were bitter—so bitter, indeed, that when Marshall died there were speeches that were not complimentary; and, Mr. President, when Roger B. Taney died in 1864 certain papers were unlimited in their sarcastic castigation; and when the time came to place his bust in the Supreme Chamber with the busts of the other Chief Justices it was denied and voted down, and the most bitter criticism was made that would startle the Senate, should I read the words of men like Charles Sumner, Ben Wade, and others; and yet later they recanted, when Congress changed, and the bust of Roger B. Taney went into the Supreme Court Chamber, where it now is.

I am mentioning these things to show that this attack on the Supreme Court is not new. It has always existed; and I want the people not to overlook that fact.

Mr. President, if John J. Parker were not a man who measures up to the qualifications required on the bench, I should not be here resisting these criticisms. If it were not for what I know to be true of the effort to undermine the judiciary of the country that is motivated by exactly the same motives that heretofore have assailed that body, I should not be here resisting the efforts to defeat this nominee through manufactured clamor, by working up the labor people and the colored people into thinking that they can defeat a man through fear of what they will do if we do not vote in accordance with their views.

I have only taken the time necessary to mention the rules of construction laid down by Marshall. I will pursue that later on with the rules laid down by Story and others whose judgment we to-day accept.

Mr. NORRIS obtained the floor.

Mr. McNARY rose.

Mr. NORRIS. Does the Senator from Oregon want to move a recess?

Mr. McNARY. I shall be very happy to yield to the convenience and pleasure of the Senator from Nebraska.

Mr. NORRIS. Of course, I can not finish what I have to say this evening, unless we run on quite late with the session. I would prefer, if it is agreeable to the Senator, that we take a recess now, and that I proceed in the morning.

The VICE PRESIDENT. The Senator from Nebraska will be recognized when the Senate meets to-morrow.

RECESS

Mr. McNARY. I move that the Senate take a recess in executive session until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 4 o'clock and 45 minutes p. m.) took a recess until to-morrow, Friday, May 2, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 1 (legislative day of April 30), 1930

COLLECTOR OF CUSTOMS

Jeannette A. Hyde, of Salt Lake City, Utah, to be collector of customs for customs collection district No. 32, with headquarters at Honolulu, Hawaii. (Reappointment.)

UNITED STATES MARSHAL

John P. Hallanan, of West Virginia, to be United States marshal, southern district of West Virginia, to succeed Siegel Workman, whose term expired April 20, 1930.

HOUSE OF REPRESENTATIVES

THURSDAY, *May 1, 1930*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who hast made the day, the sunlight, and all that is blossoming and fair upon the earth, hearken unto us, for Thou art our Father. Dwell in our thoughts and give proof that Thou art against temptation, trial, and every besetment of this mortal life. Bless and direct us through the hours before us, and let none of us fail. O God of the nations, bring into the light all that dwell in darkness. Spread abroad everywhere the spirit of humanity, gentleness, and patience, and may our own country always lead the way. As servants of the public weal, give us restraint in the unguarded moment. Keep us true, quiet, and undaunted in our mission. Be with all—lift the burden, still the sigh, and awake the song. Amen.

The Journal of the proceedings of yesterday was read and approved.

PHOTOGRAPHIC MOSAIC MAPS

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to proceed for two minutes to make an announcement.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. TEMPLE. Mr. Speaker and gentlemen of the House, in the cloakroom on both sides of the House the Members will find, one in each room, an air map of the District of Columbia and surrounding country, photographed from a height of 10,000 feet, making a map to the scale of about 6 inches to the mile. Members can identify their own houses on the map. It will not only be interesting but useful in any District legislation that may come before the House.

I ask unanimous consent that the Clerk may read a letter of Col. Glenn S. Smith, through whose interest in the matter, and by permission of the Speaker of the House the maps have been placed where they are.

The SPEAKER. Without objection, the Clerk will read the letter.

There was no objection.

The Clerk read the letter, as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, April 30, 1930.

Memorandum for Doctor TEMPLE, House of Representatives.

The two photographic mosaic maps which I am delivering to you for hanging in the House cloakrooms cover an area of 120 square miles, including the city of Washington, the District of Columbia, and adjacent country. This area is 12 miles east and west and 10 miles north and south. It is composed of 830 separate photographs 7 by 9 inches, taken at an altitude of approximately 10,000 feet. This whole area was photographed by the Army Air Corps in approximately four hours of flying time. The scale of the map is approximately 6 inches to 1 mile.

The photographs were taken at the request of the National Capital Park and Planning Commission for the use of the United States Geological Survey in revising the topographic map made by the United States Geological Survey of Washington and vicinity. The photographs were used for adding to the existing map the new streets and houses which had come into existence since the topographic map was originally surveyed. The use of these photographs saved the expenses of ground surveys and secured data in 4 hours which would have taken one engineer 12 months or approximately 2,400 hours field work to secure.

GLENN S. SMITH,
Chief Engineer (Topographic).

THE FARM SITUATION

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address which was delivered by Alexander Legge, chairman of the Federal Farm Board, at the annual meeting of the Chamber of Commerce of the United States in Washington, D. C., on April 20, 1930.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The address is as follows:

In talking to you about the work of the Federal Farm Board it is perhaps unnecessary to go into details and statistics to show that there is an agricultural problem, since that has been well established by the many studies and years of public discussion with which members of the Chamber of Commerce of the United States are familiar.

Nevertheless, if you will indulge me for a few moments I am going to delve into the record of the past, particularly as it reflects what information was before you on the agricultural problem and your efforts to help find a solution.

Back in 1925 the National Industrial Conference Board made rather an extensive study of the situation, and I believe that those of you who have read this report, which was published in 1926, will agree that it confirms the statement that the Nation was confronted with a serious problem in agriculture. That report, as you may recall, reached the conclusion that "American agriculture appears to have fallen out of step with the general economic development in the country."

A number of reasons were cited. A few of these in which we are particularly interested on this occasion were that farmers lacked national organization to deal with the surplus problem; lacked "organization and system in the marketing processes" that would give them a better return through adjusting supply to demand in the domestic markets; and also that there was "lack of organization, standardization, and grading in marketing," resulting in excessive costs of distribution which could be minimized by "a more systematic contact between producer and consumer."

Fiscal, tariff, and immigration policies, industrial efficiency, industrial, financial, trade, and labor organizations, transportation and credit were cited as other influences affecting agriculture adversely. Most of these ills, it was emphasized, were not new and go back of the World War period, even into the previous century.

"While it [agriculture] has become inseparably involved in a network of interrelationships with a more and more highly organized system of industry, trade, finance, transportation, and governmental activities," the report says, "it [agriculture] has so far not developed effective means for adjusting itself to this new situation."

The Industrial Conference Board reached the conclusion that the situation confronting agriculture could not be met by a political palliative. "If agriculture is confronted with fundamentally adverse conditions, making for a general and persistent inequity and maladjustment," it said, "they not only constitute a serious menace to the progress and prosperity of American industry, commerce, and trade but are equally of great significance for our national welfare, for they deeply affect the

future economic development, the social advancement, the political unity, and the national security of the United States."

In that report business men were urged to give the agricultural problem further study and suggest remedies, with the result that the chamber of commerce and the National Industrial Conference Board appointed the so-called Nagel commission, which made a long report, including numerous recommendations, that was published in November, 1927. Here is an outstanding bit of advice the Nagel report, agreeing fully with the one of the Industrial Conference Board as to the plight of agriculture and the causes, had to offer to business men: "In the meantime, suffice it to say, on the one hand, that no unrest as formidable as that witnessed among certain groups of farmers in recent years can be sustained without a real grievance; and, on the other, that sugar-coated political pills will provide no lasting relief for an ailment which has in some phases become more or less chronic."

And again, speaking of the views of the individual members of the commission: "They are forced to the conclusion that the accepted economic measures do not fit, at least do not cover the farmer's case; and that this situation presents a new challenge to economic and political advisers that can not be evaded or met with slogans."

On the subject of organized action by producers it was asserted that "cooperative movements which look to standardization of crops and more advantageous marketing may depend more immediately upon the farmer's own initiative; but here, too, private aid may prove to be effective, and certainly the State may give direction and stability by providing suitable authority and conditions."

The Nagel commission made a number of suggestions for giving assistance to agriculture. A major one of these called for "stabilizing agricultural income by Government aid." It was proposed that a Federal Farm Board be created to assist in doing this job somewhat in line with suggested legislation that had the approval of the Coolidge administration.

"The commission feels very strongly," the report said, "that all who are concerned in the improvement of the agricultural income, and in its possible benefits to the business community and the public at large, should give serious consideration to the desirability of devising means by which the fluctuations of agricultural prices from year to year may be mitigated. The farmer is in this matter a victim of circumstances which are largely beyond his control or responsibility and in a certain definite degree against the public interest, so that a measure of governmental effort to aid in protecting that interest may properly be invoked."

It was proposed that these stabilizing efforts should be through corporations financed jointly by farmers' cooperatives, private business interests, and the Federal Government.

Urging financial support from business, the report said it would "be in the interests of business men to provide not only a share of the initial capital but a part of the working credit because the successful operation of such corporations would tend to prevent sudden curtailment of the buying power of agriculture through unchecked price declines and so would tend to stabilize general business and credit conditions."

And the commission sounded this warning: "In any case, if private business and banking interests do not consider it necessary or worth while to aid in agricultural stabilization in this way, their objections to the entrance of Government into the banking business, serious as these are, will naturally lose much of their force."

I wish to remind you also that the Nagel commission recommended to the "business interests" of the country that they could "render a great and permanent service to agriculture and to the Nation" by setting up and endowing with adequate funds an agency to be known as "the national agricultural foundation." The first work of the foundation, it was suggested, would be classification of the Nation's land resources with the object of putting production on a sound economic basis, the first essential in any program for permanent agricultural betterment. In addition it was proposed that the foundation should study the industrial utilization of farm products and other subjects; cooperate with Federal and State Governments and be the agency for a variety of activities which for some reason or other could not be undertaken by governmental bodies or farmers' organizations.

With a winter to study the Nagel commission report, the chamber at its annual meeting two years ago discussed the agricultural problem at considerable length. A special committee was designated to prepare recommendations. On August 31, 1928, these recommendations were submitted to the members in referendum No. 52. That referendum committed the chamber to the creation of a Federal Farm Board with authority to investigate and make recommendations to Congress, but none to go ahead with the solution of the agricultural problem which had been characterized as such a serious one by both the Industrial Conference Board report and the report of the Nagel commission.

In addition to that, however, it did go on record very definitely in favor of "the principle of cooperative marketing based upon the established right of the producer of agricultural commodities 'to act together in associations corporate or otherwise, with or without capital stock, in collectively processing and manufacturing, preparing for market, handling, and marketing in interstate and foreign commerce such products of persons so engaged.'"

Results of the referendum were announced on November 14, 1928. The vote in favor of the cooperative principle was overwhelming, 2,816 to 117, and, as you all know, these were member associations and not individuals doing the voting.

I am sure that most of you will agree that you know more about the agricultural situation and how to meet it than I do. A considerable percentage of your membership has made that quite clear, and perhaps the best answer I can make is the statement that if this be true, and you really do know so much about it, that the situation presents a very severe indictment of the organization which, having full information of the facts, has made so little effort to remedy the situation. Certainly none of you have seen any evidence of constructive action on the part of the chamber of commerce or the part of any of its affiliated organizations, with the doubtful exception of taking a referendum two years ago, looking to a remedy for and permanent improvement in the situation, which, your own investigators had warned, required substantial assistance if not from you, then from the Government.

Perhaps I should mention the fact that, while your national organization did adopt a policy of silence when Congress was framing the agricultural marketing act, spokesmen of some of your member organizations appeared before the House Committee on Agriculture and indorsed the principles of that legislation.

One might find much justification in the statement that your attitude generally has been one of indifference if indeed not of antagonism; that you regarded the farm problem like the poor as something "we have with us always," and that you who are more fortunately situated, discussed it much along the same lines as the ladies are apt to refer to the household help question—something that had to be endured if one was to avoid having to do the work oneself.

It is true that there have been many public expressions of sympathy and feeling for the farmer, but let us be certain that in giving expression to this feeling that our hand reaches for the dollar in our own pocket and not the penny in his.

For a period of years following the deflation of 1920 and 1921 you probably had some justification for the belief that the rest of the country could go on being happy and prosperous, regardless of the wretchedness and misery of those who were producing your food supplies. Anyhow, other business did prosper to a measurable extent for a considerable period before there was any improvement in the agricultural position. In the present depression, however, there is evidence that one of the prime causes of unemployment and lack of business activity is the lack of farm purchasing power.

Many of the lumber mills of the country are closing down, others are operating part time, and few if any of them are breaking even on the proposition; all due to a very sharp decline in the consumption of lumber in the country. It is perhaps natural for us to think of this in the terms of steel, concrete, and other substitutes that have taken the place of lumber in many forms of construction, but the facts are that over 50 per cent of the decline in lumber buying, as compared to the higher records of years past, is represented in reduced farm purchasing. The farmer uses no substitute steel or concrete or anything else, lumber still being the cheapest material from which he can build a home for himself or shelter for his livestock.

Why does this curtailment amount to almost cessation in farm buying? The answer is that under conditions existing in recent years, and still prevailing, there is nothing to encourage the farmer to improve his property.

One modern improvement on which the farmer has kept strictly up to date is the farm mortgage. Most of them have that. The farmer's struggle has been one of meeting the payments on the mortgage, a struggle in which he has failed in a very large number of cases, and the record of foreclosures and forced sale of farm property is still running high. When his financial position is such that he can not tell whether it is going to be possible for him to retain the farm, why should he undertake to build improvements, even if it were possible for him to get the money or credit with which to do so?

The mortgages on farm land made 10 years ago are almost universally renewed on a lower appraised value, and cases are all too frequent that where a man borrowed 50 per cent of the then appraised value of the land he is now confronted with a new appraisal 50 per cent of the former one; which, with the same margin of safety to the lender, means that the amount of the loan is cut in half. Improvements have been limited largely to the class called "check-book" farmers, who spend their incomes on a piece of land instead of trying to derive incomes from it. One could go on indefinitely outlining this situation, and lumber is not the only illustration.

After many years of discussion and deliberation Congress finally passed the agricultural marketing act, which many of you people are now branding as socialistic or anarchistic, and complaining of interference with, or necessitating some readjustment in the present system of handling certain commodities.

You doubtless all remember the old story of the preacher who was called to fill another clergyman's pulpit. After being cautioned not to bear down on the liquor question, because Deacon Jones, who was one of their best supporters, was also very fond of his toddy, and not to attack racing, because Deacon Smith kept a racing stable, etc., he very naturally asked the question as to what it would be safe to talk about. The

reply was that he might attack the Mohammedans. It was safe to give them hell, because there were none of them in the congregation.

It is rather difficult for us to see how progress can be made toward improvement in the agricultural marketing situation without necessitating some readjustment of existing conditions.

Nearly 10 years of discussion, controversy, and compromise led Congress in its wisdom to declare that permanent solution of the agricultural problem lies in collective action on the part of the farmers. It created the Farm Board to help producers organize for such action, both as to production and marketing of their crops, the purpose being to enable them to put their industry on economic parity with other industries. In that legislation Congress definitely committed this country to the principle of cooperative marketing of farm products. The Farm Board believes that principle is sound and the only one that really will give the farmer a chance to get his fair share of the national income. The country generally and business men for the most part gave their approval of the agricultural marketing act before it became a law. I am sorry to say that there has been considerable evidence the past several months that entirely too many of your members were for the principle of cooperation only so long as it didn't work. When it became apparent that a means had been provided that really would help the farmer get organized cooperatively so that he, like other producers, would have some voice in determining the sale price of his commodity, the effort was branded as Government price fixing, putting the Government in business, etc. And all of this notwithstanding the fact they had declared unmistakably for the principle of cooperative marketing only a year previously.

I do not recall in years gone by of hearing you business men making any such complaint against Government aid that was extended to the manufacturing industry, to transportation, and to finance. And these all played their part in adding to the disadvantages of the farmer, as did also the preferential treatment to labor through immigration restriction and other measures.

We are not complaining about what the Government has done for others, but it does seem to us that these beneficiaries ought to be willing that the farmer also be given a helping hand from the same source, so that he, too, will be in position to take care of himself in the economic system that has been built up in this country so largely by special favors.

Farmers constitute nearly one-third of our population. For the most part they have been producing and selling blindly as individuals, with the result they have little or nothing to say about what their product brings. Costs of production can be passed along to the buyer by nearly everyone but the farmer. Unorganized, he has to take for his product what the other fellow is willing to give him.

Business men some time back came to understand that it was money in their pockets to pay wage earners more than barely enough to live on. High wages make the worker a better buyer. If the farmer's income is improved, it likewise will be of advantage to everyone who has something to sell, because his buying power will be increased by just that amount.

The agricultural marketing act supplies the means necessary to help the farmer help himself out of his present major economic difficulties. His success will depend largely on his own willingness to do his part. The Farm Board is going to give every assistance permitted by the law. Its purpose is to help agriculture, not to hurt some one else.

Strictly in accordance with the law, the board is assisting in organization of large-scale commodity cooperatives, made up of State, regional, and local farmers' cooperatives. Through these central commodity associations producers are expected to control a sufficient volume of the different products of the farm to have bargaining power in marketing them. These agencies are not being formed to set aside the law of supply and demand and artificially raise prices to the consumer but, rather, to engage in a merchandising program that reflects prices to their grower members that are in harmony with the actual value of the products based on the potential buying demand.

The most important function of this collective action by farmers is to bring production, both as to kind and amount, more nearly in line with normal marketing requirements.

How could any of you manufacturers hope to succeed on a basis of blindly producing commodities of any kind without regard to the quantity or quality for which there was a potential demand? Perhaps one of the most important forward steps general business has taken in recent years is the more extensive study of demand conditions and better regulation of production to meet that demand. This has been accomplished in part at least through centralization into a smaller number of producing units in most commodities.

Obviously it is impossible to accomplish similar results in agriculture where six and one-half million farm factories are producing entirely independent of each other, each without knowledge of what the total production is or should be on any particular commodity he raises. It is our judgment that effective results can only be accomplished through organization of these producing units to the end that they may have a collective view of the situation in dealing with any commodity in place of the isolated, individual action under which they have operated in the past.

It seems to us that in the years of discussion of the problem this fundamental proposition has not been given sufficient consideration by those who have sought to find a remedy for the unhappy agricultural producer. Even in organized industry it may be said that recognition of this fundamental factor came rather slowly, and certainly it is not a proposition that anyone could put forward as a vote getter, which may possibly have been a factor in it not having been given more prominence.

In place of squarely meeting this fundamental issue, the farmer has been led to believe that through some mysterious process a way might be found to dispose of surplus production without the operation adversely affecting his price level, and this notwithstanding the fact that none of you, who represent the most highly organized industries in the world, have been able to work out such a solution of the surplus problem.

All the farmers are trying to do, with Farm Board assistance, is, by acting together, to apply the same methods and business principles to their industry that were adopted in other lines long since. If they were good for you fellows, they are likewise good for the farmer.

One of the board's activities which has brought in a considerable volume of protest is the emergency policy of loans to wheat and cotton cooperatives and the subsequent emergency stabilization operation in wheat. The loans were made on a fixed-value basis in an effort to check further and unnecessary depression in wheat and cotton prices, which already had suffered serious declines sympathetic with the crash of the security market last fall. In measurable degree we were successful in steadying price levels covering a considerable period of time.

When this proved to be insufficient and the price of wheat took another sharp turn downward, the stabilization operation was requested by the advisory committee for this commodity, which request was approved by the board, and the stabilization efforts have been conducted well within the provisions of the act itself, temporarily, at least, having served to check further demoralization in wheat values.

Many of the most experienced men in the grain trade figured that wheat would have to go to a price of 75 or 80 cents a bushel at terminal markets in order that some of the surplus might be moved. In our judgment it is moving just as freely at a substantially higher figure. Because of the financial conditions existing in the three large competing countries in the export of wheat, it seemed to us that we as a nation were going to hold the bag for most of the surplus, regardless of price level, as in many cases competitive wheat was being marketed under conditions of forced liquidation.

There was much more involved when the stabilization operation was undertaken than merely the price of wheat. The whole farm-commodities market was threatened. I do not know why it should be the case, but other farm commodity prices are sympathetic to that of wheat. They go up and down in close relationship with the wheat price. Thus it was that the prices of other commodities in which the farmer has a vital interest—and every business man, too, for that matter—were in danger of a further demoralization that might easily have been of much more serious consequence to the country as a whole than the stock-market crash. The board was convinced there was no economic justification for such a collapse in commodity prices; that it was being brought on largely by a state of hysteria in which all sense of real values was lost.

The agricultural marketing act made possible the setting up of machinery, farmer owned and controlled, to meet this situation, and the Farm Board authorized its use to the benefit, I am sure, not only of agriculture but the general public.

For a period of time the board was subjected to severe criticism because of the enormous losses the taxpayers were expected to sustain through this stabilization operation. Strange to say, many of those who hollered the loudest are not among our heaviest taxpayers. Later on, when the condition changed to a point where any substantial loss seemed improbable, we were just as severely criticized because we had not made a loss. Perhaps it should be some satisfaction to know that in our case we do not have to turn the other cheek. When you hit us on one side, all we have to do is to stand pat and in the course of a little time some other group will balance the score by hitting just as hard on the other.

We have had numberless letters, briefs, the oral arguments offered in defense of the present grain marketing system which the dealers in the commodity extoll and describe as being the finest achievement in human progress, but giving the present system credit for all the good things which it does, it appears to us that one feature is lacking, to which perhaps few of you have given consideration. But under the present hedging system nobody has any interest in the price of wheat after it leaves the farmer's wagon, except the traders on the pit of the exchange, and then only one-half of these traders wish to keep it up. The local elevator, the terminal elevator, the miller, and the banker who finances it all are happy with a perfectly hedged market operation wherein they take no chance. Once the wheat gets to the local elevator, it does not make any difference to them whether the price goes up or down, so there may be some reasonable question as to whether the interest of producer, or consumer either, for that matter, is sufficiently represented in the operation of the present system of grain trading.

But to go back to the general problem, may I ask the question whether you people think you have any less interest in commodity prices than you have in security prices? We haven't heard any criticism from any section of the country of the efforts made to check the demoralization in the security market; nor have we heard of any of you making any effort to check the further demoralization that seemed impending in the market for agricultural commodities.

Through collective action bankers and other business men met the crisis in the securities market last fall, at a time declining prices threatened the country with a serious financial panic. They are said to have raised more than half a billion dollars to do the job.

When a few months later the commodities market faced a like crisis the farmers were neither organized nor had the money to go to the rescue. Those who did have the money failed to volunteer any aid, although by doing so they would have performed as important if not a more valuable service to the country than saving the stock market. Instead, there was criticism of the Farm Board for giving necessary assistance that could not be had from any other source.

The Farm Board hopes to help farmers organize so that in the future they will be able to protect themselves in the marketing of their crops. It asks the support of you business men, not as a generous act of charity to some one else, but because it is to your own best interests.

We hear much to the effect that these operations are putting the Government permanently into business. We wish to assure you that on this point every commodity organization is set upon a basis where, as it gains financial strength and experience, it can and will become entirely independent of Government aid or supervision. In all these organizations provision is make for the Farm Board having a voice in their policies only so long as they are indebted to it.

The natural opposition which so many of you have felt in the past against interference or dictation on the part of your banker or financial backer is quite as pronounced on the part of the farmer as in the case of those engaged in other lines of industry, thus affording constant incentive to work away from it as rapidly as possible.

Now it is needless for me to say anything about that, because you gentlemen, like myself, have borrowed a great deal of money in the past and you know that you discussed, during that period, your financial problems with your banker and you took such suggestions and orders from him as he saw fit to give you, and just the moment that your financial condition improved you went to your banker and told him where to get off. That is the first job you attended to.

Now, gentlemen, in all the quotations that I have read, and I have read a number of them, they have been taken from pages of your own books. I have not gotten any of them from the Book of Mormon or the Bible but from the documents of business organizations, representatives of the National Industrial Conference Board, and of this United States Chamber of Commerce all the way through.

If there is anything further making for any points that I have not covered you will not find them in the Bible or in the Book of Mormon but you will find them in your own business organization journals.

Read your own publications written by your own representatives and you will find the pertinent recommendations for practically everything that Congress has done during the last few years and in them you will find the answers through the questions that have been asked in your various publications.

THE TARIFF

Mr. HAWLEY. Mr. Speaker, I call up the conference report on the bill H. R. 2667, the tariff bill, and ask unanimous consent—the report and statement having been printed in the RECORD on Tuesday—that the reading of the report and statement be dispensed with.

The SPEAKER. The gentleman from Oregon calls up the conference report on H. R. 2667, and asks unanimous consent that the reading of the report and statement be dispensed with. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I want to say that the Committee on Ways and Means is a very large committee and in debate would consume considerable time. I would like to ask the gentleman if he can give assurance that the poor consumers are going to get some show in this debate?

Mr. HAWLEY. I will say to the gentleman that I intend to ask for four hours of general debate. I think there will be ample opportunity.

Mr. CRISP. Mr. Speaker, may I say that I conferred yesterday with the gentleman from Texas [Mr. GARNER], the minority leader, who will not be able to be here. I am glad to say that Mr. GARNER is much better. [Applause.] He expects to be out in a few days but under the advice of his physician he will not be present at this debate. Mr. GARNER is perfectly agreeable to dispensing with the reading of the conference report and the statement.

At his request the majority leader of the House had the House meet at 11 o'clock instead of 12 so as to have as much debate as possible.

While on my feet I may say that under the proposed plan of the consideration of this bill I have consulted Mr. GARNER about that and he acquiesces.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that there be four hours of general debate to be divided between the two sides of the House, one half to be controlled by the gentleman from Mississippi [Mr. COLLIER] and the other half by myself.

The SPEAKER. The gentleman from Oregon asks unanimous consent that debate be limited to four hours, to be controlled one-half by the gentleman from Mississippi [Mr. COLLIER] and one-half by himself. Is there objection?

Mr. COLLIER. Mr. Speaker, reserving the right to object, which I shall not, because I have agreed upon it, the consideration of this bill was begun about a year ago. Its consideration took nearly eight or nine months in one body and several weeks in another. The conferees have been for over three weeks considering it and the majority party a little over one week getting the Members in line to agree to the conference report, and I did think that on a bill which has taken so much time to formulate, when it came to the matter of discussing and considering in the House of Representatives 1,230 or 1,240 out of 1,253 items in disagreement, that we ought to have more than four hours of general debate; but over on this side we are always thankful for favors, and the larger they are the more thankful we are, and therefore I am glad to accept the four hours.

The SPEAKER. Is there objection?

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, I suppose there will be no objection made to the pending proposal, but following the vote on that will the chairman of the committee kindly let us know the order in which the controverted matters will come along?

Mr. HAWLEY. As soon as the report is disposed of, the controverted matters will be taken up in the order in which they appear in the bill. Cement will be the first, but unanimous consent will be asked to consider related subjects at the same time for the purposes of debate, the votes to be taken separately.

Mr. MOORE of Virginia. And I understand that quite liberal debate will be allowed on the controverted items?

Mr. HAWLEY. There will be debate on each of the disputed items extended as may be agreed on.

Mr. RAMSEYER. Mr. Speaker, is it the thought of the chairman to get to the items in disagreement to-day?

Mr. HAWLEY. If possible, to reach cement to-day.

Mr. SWING. For vote or discussion?

Mr. HAWLEY. For discussion and vote if possible.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none.

Mr. HAWLEY. Mr. Speaker, at this time I do not intend to make any extended remarks, leaving as much time as possible for use of the Members of the House. The conferees conferred, as the gentleman from Mississippi [Mr. COLLIER] has already stated, for nearly three weeks. When the conference met it was the plan of the House conferees to require the Senate, which proposed the amendments, to produce evidence justifying amendments proposed by that body, and after a free interchange of opinion we arrived at the conclusions that we have presented in this report. I will be very glad to answer inquiries concerning the conference report, thinking in this way I can best give the information desired by the Members. At this time, if any gentleman desires to ask a question on items in the report, I shall be very glad to make answer. If not, I yield the floor to the gentleman from Mississippi for the present.

The SPEAKER. Does the gentleman from Mississippi desire recognition at this time?

Mr. COLLIER. I do.

The SPEAKER. The gentleman from Mississippi is recognized for two hours. [Applause.]

Mr. COLLIER. Mr. Speaker, before I begin the discussion of this report I wish, first, to express my very sincere regret that the gentleman from Texas [Mr. GARNER] is not to be with us during the consideration of this conference report. After going through the long, tedious hearings, the study and discussion of this bill in committee and in the House, keeping up with it as it went through the Finance Committee of the Senate and in the Senate, and during the long three weeks' discussion in the conference, where we held sessions of seven and eight hours every day, we must all feel keen regret that the one man whom I believe is more familiar with all the provisions of the bill, and who knows more about it than any other, is not to be present. He is the one man whom I, as a fellow conferee, was depending upon.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. TILSON. I am sure that I voice the sentiment of everyone on this side of the House when I join the gentleman in sincere regret that the gentleman from Texas can not be here. [Applause.]

Mr. COLLIER. Mr. Speaker, it is seldom that my good friend from Connecticut [Mr. TILSON] ever makes a statement that does not meet with my approval, and knowing the friendship that the Members on both sides of this House have for my colleague, I know the gentleman from Connecticut but expresses the feeling we all have about Mr. GARNER, and I know all of you will be delighted to learn that his condition is not serious and that he is on the road to recovery. [Applause.]

Mr. Speaker, I think you can search the pages of legislative history and never find a time in the consideration of a tariff report on a major tariff bill when the chairman on the majority side, the man who brought in the report, the Member whose name is attached as the author of the bill, did not attempt to explain one word of its indefensible provisions to the House. Why did not the gentleman from Oregon [Mr. HAWLEY] explain this report? Why did he not at least attempt to show us why he has raised many items nearly 1,000 per cent? Why has he not attempted to explain many of the unprecedented high rates in this report? Because Mr. HAWLEY knows that he can not do it. I make the charge here and now that this is the most indefensible tariff act ever attempted to be passed by an American Congress, and before I go into some of the mean things that I hope to say [laughter], I have in mind now, dimly, it is true, one or two good things that I might be able to say, and I shall get them out of my system so that I can then go ahead with the others. First, I want to talk about Mr. HAWLEY. I have been trying for the last half hour to think up something nice I could truthfully say about him, and I say this to him, as I have said so often in the past, that while all of us got mad a few dozen, more or less, times—and I know that I, perhaps, more than anyone else offended—he kept his head and never did get mad, or if he did, he did not show it. I thank him for the courtesy that he has always, in the conference and in the committee, showed to me. I take off my hat sincerely to the gentleman from Oregon in respect to one thing: Whether I was with him on a particular rate or not, whether I believed his position to be logical or not, I was with him in one thing, that notwithstanding the impressive dignity of those representing the other body he never did permit our senatorial conferees to overawe him.

Sometimes we would be there late in the afternoon ready to adjourn, we would be ready to vote on our side, when a distinguished member of the conference committee from the other body would think of a speech that he made on the Fordney bill nearly 10 years ago. All arguments had been exhausted, but that speech had not been heard. It would throw new light on the subject. We would wait until the record was searched. We would have the speech, consisting of any number of pages, brought in and read with great gusto by the conferee. Some of us were mean enough to get up and smoke and look out the window, but, with a look of rapt interest on his face, our chairman would patiently listen to every word of it. And then when the conferee would appealingly look into his face and ask what does the House want to do, the chairman would always quietly but firmly reply, "The House insists." [Laughter and applause.]

Mr. Speaker, I have a few goods things that I want to say about my friend BACHARACH. The best thing that anybody can say about Ike is that he would be honest if Mr. HAWLEY and Mr. TREADWAY would let him. Ike's instincts were always right, but his environment and associations were doubtful. [Laughter and applause.] But Mr. BACHARACH at that was way yonder the best one of all the majority conferees, and if they would let him alone he would do right nearly every time. BACHARACH was one of only two majority conferees who at times—not often, but occasionally—believed that a tariff rate should be a competitive instead of a prohibitive rate.

All three of our majority House conferees had different trends of political thought. Now, my good friend from Oregon believes in a prohibitive tariff on everything that is produced in this country which comes in competition with similar articles produced in other countries. One of our senatorial conferees—and I see many of his constituents here before me—was a man with as delightful and charming manners as is possible for one to have. He believes in a prohibitive tariff on everything that is raised in this country, on everything that is manufactured in this country, and on everything that is raised and manufactured in every other country whether it competes with us or not. [Laughter.]

My good friend from Massachusetts [Mr. TREADWAY] occupies a position that is different from anyone. He stands unique. He believes that everything in America or anywhere else on the top of God's green earth that can be manufactured or used in Massachusetts and made into a finished product should be brought in absolutely free, and everything that has been, or there is any likelihood may be, converted into a manufactured article in Massachusetts should have the highest prohibitive tariff that could be imposed. [Laughter.] But I want to say something nice about the gentleman from Massachusetts. You know I intended to say something nice about all three of them, and when it came to TREADWAY I had to do a heap of thinking. It was a hard job. I know some good things about him, however, and I am trying to think about something nice that I may—without stretching the truth too much—say about him. [Laughter.] He has a good disposition, provided you do not cross him and give him all he wants; and I want to say this about him, too, that I have never known since I have been a Member of Congress for a period of 20 years—I have never known any man who has been more faithful and more consistent in favor of everything that his constituents want and is more consistently and more faithfully against everything everybody else wants if it conflicts with anything in Massachusetts. He is a faithful servant of his district, he is their agent, and I suppose that is what they send him here for. [Applause.]

Now, I am very sorry that the gentleman from Oregon took me by surprise by not getting up and giving me the job of attacking the report that he has brought in here without his first defending it; a report consisting of over a dozen pages, nearly all of which are merely numbers, making it look like a Chinese puzzle, because it is a report with very little information as to what these amendments refer. I had hoped that he would at least state his side of the case so that I could answer him on some of his indefensible propositions. Generally when we have a case in court the plaintiff is expected to state his case so the defendant can answer it. He is very wise. He knows it can not be defended and he has got too much sense to even talk about it.

I thought the gentleman from Atlantic City [Mr. BACHARACH], the great friend of the farmer, would talk about the rates, and I am now going to say something mean about him. [Laughter.] He reminds me of a parallel case long ago in ancient history. He claims to be the farmers' friend. You know when the half dozen or more conspirators drew their daggers and rushed upon the unsuspecting Cæsar, the great man, who like my friend BACHARACH was somewhat of a fighter, gave a good account of himself. In fact some historians claimed that he almost had them licked or at least had them held at bay, so that assistance might have arrived in time to save him.

But when he saw his best friend, the noble Brutus, make at him with drawn dagger, "ingratitude worse than traitor's arms vanquished him," and when JACK GARNER and I, fighting with our backs to the wall the battles of the American farmer, saw that the Representative from the greatest farming district, as he claims it, in the United States, the great agricultural district of Atlantic City, Brother BACHARACH join HAWLEY and TREADWAY in their vicious assaults against them even as Cæsar of old gave way, so did GARNER and I bow beneath the Brutus-like stabs given by the gentleman from New Jersey, the modern Brutus, the friend of the American farmers. [Laughter.] May the good Lord save the farmers from any more friends like Mr. BACHARACH.

The gentleman from Oregon ought to have explained to the House the order of business, but he did not want to take any chances of getting on the floor. We are going on with the conference report and then take up the amendments. We will first take up silver and vote on the several amendments, then we will vote on cement, on which the Senate has placed a duty of 6 cents per hundredweight and the House a duty of 8 cents per hundredweight, and on a Senate amendment providing that all cement used for governmental purposes shall come in free; we will vote on lumber, on which the Senate places a duty of $1.50 per thousand feet, while the House admits it free; and on shingles, which the Senate admits free and on which the House places a duty of 25 per cent; and fourth, we will vote on sugar.

Then comes the debenture and the Tariff Commission amendments which are closely related to the flexible provision.

We spent three tiresome and tedious weeks in the conference room, and if the gentleman from Oregon had had prepared a simple resolution we could have finished within two hours' time, and gone to the baseball game that same afternoon. [Laughter.]

The resolution should have been that, where the rate is higher in the House bill than in the Senate bill, we will take the House rate, which is the highest rate. Whenever the Senate rate is higher than the House rate, we will take the Senate rate, which is the highest rate. And I make the statement

that practically every time the House rate or the Senate rate was highest, that was the rate which was accepted. I have the figures here from the Tariff Commission that will bear me out in this statement.

There were four schedules—manufactures of cotton; flax, hemp, jute; wool; and rayon—four schedules where the conference rate is higher on the average than either the House rate or the Senate rate.

I am not going to talk in my limited time about any principles of taxation here to-day. I am going to talk about specific rates, and I will try to explain to you what is in this report. There came to my office a few days ago a communication from one of the great banking institutions in New York City which I will refer to in my argument. What is the condition we find ourselves in, under the existing tariff that has been in effect for eight years?

Five million men out of employment; long bread lines in every large city in this Union; agricultural products selling below the cost of their production; industries in distress; and manufactures only operating four or five days out of each week.

Now, let us glance at this statement which came to my office two or three days ago. I am not saying this is due to the tariff, but I am saying this is not the time, in view of all these distressing conditions, to raise the tariff mountain high, as has been done. What were our exports in January, February, and March, 1930? They were $285,000,000 less than they were in January, February, and March, 1929. That shows that our manufactured articles and agricultural products are already piled up high. We can not sell the foreigners, and yet these protectionists tell us the foreigner comes rushing in and swamps us with his goods. But, let us look at the imports. The imports in those same three months were $2,500,000 less in 1930 than in 1929. Both exports and imports decreasing at the same time. We are burning the candle at both ends.

There is another matter that is subject for thought. The earnings of the railroads so far this year are the lowest of any year since 1923. During the month of March, 1930, they were $58,000,000 less than they were in March a year ago.

Residential and nonresidential construction has fallen off $264,000,000 during the first three months of 1930 over the first three months of 1929. There has been during the same three months of this year over $700,000,000 less money loaned in the financing of business than for the three months' period of last year. All of this general depression is under the highest tariff act in the history of the Republic, and one which has been in force over eight years.

I now want to give you the figures to show what was done by the conference report. I will take every schedule and show the comparison, by schedules, of actual or computed ad valorem rates under the act of 1922 and H. R. 2667 as passed by the House of Representatives, as passed by the Senate, and as reported by the conference committee.

Schedule No.	Title	Actual or computed ad valorem rate				
		Act of 1922	H. R. 2667			
			As passed by the House of Representatives	As passed by the Senate	As reported by the conference committee	
					With open items at House rates	With open items at Senate rates
		Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*
1	Chemicals, oils, and paints	28.92	31.82	30.95	-------	31.07
2	Earths, earthenware, and glassware	45.52	54.87	52.95	53.77	53.45
3	Metals and manufactures of	33.71	36.34	32.35	-------	34.95
4	Wood and manufactures of	15.84	25.34	15.65	25.39	15.65
5	Sugar, molasses, and manufactures of	67.85	92.36	77.15	92.22	77.21
6	Tobacco and manufactures of	63.09	66.96	63.09	-------	64.78
7	Agricultural products and provisions of	22.29	33.37	35.81	-------	34.99
8	Spirits, wines, and other beverages	36.48	47.44	47.44	-------	47.44
9	Manufactures of cotton	40.27	43.19	40.72	-------	46.42
10	Flax, hemp, jute, and manufactures of	18.16	19.03	18.95	-------	19.14
11	Wool and manufactures of	49.54	58.09	57.38	-------	59.83
12	Manufactures of silk	56.56	60.17	58.03	-------	59.13
13	Manufactures of rayon	52.68	53.42	49.14	-------	53.62
14	Papers and books	24.51	26.14	25.91	-------	25.94
15	Sundries	20.98	28.63	20.06	-------	26.54
	Average for all schedules	34.59	43.16	38.97	42.93	40.97

You will observe that though the extra session was called for the benefit of agriculture, yet among the four schedules, to wit, manufactures of cotton; manufactures of flax, hemp, and jute; manufactures of wool; and manufactures of rayon, all of which in the conference report are higher than the average rate than either the Senate or House bill, yet the schedule on agriculture is not mentioned in this list, and it is considerably lower than the rate fixed by the Senate.

All 15 of the schedules are materially raised above the act of 1922, and yet, when President Hoover called this Congress together, he said:

> I have called a special session of Congress to redeem two pledges given in the last election—farm relief and limited changes in the tariff.

This schedule on agriculture does more for the American farmer than any tariff bill that I have ever seen in the history of the Republic. [Applause.] This schedule gives the farmer higher rates than any other, some of which I believe will be effective, especially in border States like California, Florida, and other States where tropical fruits are grown. I repeat that this schedule does more for the farmer than any other bill that has ever been passed by the American Congress, and at the same time, on account of raising the rates on everything else in this bill, it is going to prove more injurious, more harmful, and more deleterious to the farmer and is going to cost the farmer more than any other bill that has ever been passed by the American Congress. [Applause.]

My friends on the other side applauded me a little bit too soon, but I thank them just the same.

The way the farmer is treated is like this: A man who comes up to his friend and says, "I am in a bad way; I have only four or five dollars in my pocket." His friend puts $1 in his pocket and then reaches over and takes the $5 that he had away from him. That is what has been done in this bill, and that is what can be proven if we have fair and full discussion of this matter.

They gave the farmer a good tariff on skimmed milk, but on the little item of rope, less than one-half inch in diameter, rope that is used on every farm, they first raised it 300 per cent, and then afterwards the rope manufacturers saw the conferees, and after seven or eight days we had a reconsideration, and they put on 40 per cent more—340 per cent tariff on the small rope, like plow lines, and so forth.

Mr. BACHARACH. Will the gentleman yield?

Mr. COLLIER. I am always glad to yield to my friend from New Jersey.

Mr. BACHARACH. As I recall the rope schedule, it was changed by unanimous consent, and the gentleman from Mississippi [Mr. COLLIER] was there.

Mr. COLLIER. The gentleman's recollection is wrong. The only time I ever gave unanimous consent was the one time we adjourned to go to the ball game.

Mr. TREADWAY. And we started very promptly for the game?

Mr. COLLIER. We did, and it is the only one I have seen this year. I want to say that the gentleman from Massachusetts [Mr. TREADWAY] and I went to see the game together. I want to say the gentleman from Massachusetts [Mr. TREADWAY] is one of the nicest men outside of the committee, and one of the meanest men in the committee that I have every seen.

I do not want to attack my friend, the gentleman from Oregon [Mr. HAWLEY], but there is one thing that struck all of us as being very funny. The gentleman from Oregon [Mr. HAWLEY] never got excited but once and that was on cashew nuts. The gentleman from Oregon wanted a tariff on cashew nuts to keep them from interfering with filberts. The gentleman told us that his State was a great filbert growing country, and the wicked foreigner was bringing in filberts in such quantities that his filbert crop was about to be ruined, and if the cashew nuts came in, it would be ruined.

It was a pathetic story, the destruction of an American agricultural product by the wicked foreigner.

Let us see about Brother HAWLEY's filberts. Here are the facts I get from the experts:

> PAR. 755. (Con't.) Filberts. The duties on filberts unshelled and shelled have been doubled. This is absolutely extortionate, and can not be explained on any grounds except those of politics or speculation. Filberts are now being grown in Washington and Oregon and the production in 1928 was reported at 200 tons or 400,000 pounds. The imports were 12,743,000 pounds unshelled and 5,714,000 pounds shelled. If these duties stand we will have to pay about $1,000,000 duties each year to protect a domestic production which at high valuation is worth perhaps $60,000, and is about one-sixtieth of our imports.

This bill was intended to protect agriculture. Let us look at sodium chlorate.

160. SODIUM CHLORATE

Act of 1922	per pound	1½c
House	do	1½c
Senate finance	do	2c
Senate		Free.
Conference	per pound	1½c

One of the almost indispensable articles for the benefit of the farmer. Sodium chlorate is used principally for the purpose of killing noxious weeds. It is the best and most economical way to kill them. There is only one producer of sodium chlorate in this country. An English company, it is said, and if incorporated in this country, it is owned by English capital. In 1929 this concern made 4,792,000 pounds of sodium chlorate. There was imported in the country over 17,790,000 pounds. The average cost price of sodium chlorate is around 7 cents a pound. It requires from 200 to 500 pounds to kill the weeds on an acre. The House put a tax of 1½ cents a pound. The Senate made it free. All of us were willing to make this article free save our genial chairman, who stood out for the Senate to recede, which it finally did.

The House insisted, the Senate yielded, and 15,000,000 farmers are taxed 1½ cents a pound for the benefit of one concern in America which is not even an American concern.

Our chairman argued, and I know he was sincere, that he opposed taking the duty off of sodium chlorate, not for the benefit of the English manufactory but for fear that the imports would destroy the domestic production, if you may call an English factory in this country domestic production. Let us see about this. In Canada sodium chlorate is free and no sodium chlorate is manufactured in that country. The American-English plant is located at Niagara Falls, right on the Canadian border. Yet the importers in 1929 offered and sold to the Canadian farmers sodium chlorate at 5¾ to 6 cents a pound, while in America, notwithstanding the domestic so-called competition, it was sold, according to the Tariff Commission, to the American farmers at 7½ to 7¾ cents a pound; the Canadian price of 5¾ to 6 cents plus the tariff of 1½ cents per pound.

In order to protect an English manufactory on an essential farm necessity the American farmers are taxed according to the figures of the Tariff Commission $240,000 for an article to help them kill the noxious weeds which are choking their crops to death.

Let us contrast this rate with pineapples, one of the most delicious and common fruits and one not raised in an appreciable amount in this country. They do try to raise them in Florida, but without much success.

You know it was a matter of much speculation whether the Senate coalition would hold. It had to be broken. They needed all the votes they could get. There were 2,800,000 crates of pineapples coming into this country. By a careful computation, counting those that were wasted and those unfit for shipments, Florida managed to raise about 9,000 crates of pineapples, such as they were, and they put a tariff of 50 cents a crate on 2,800,000 crates of foreign pineapples to protect 9,000 bushels of Florida pineapples. It is as bad as a tax on bananas to help sell apples.

You know, the funniest thing in this bill was the aluminum rate. The Senate very materially reduced the aluminum rate, and it was reported next day that at the other end of the Avenue Uncle Andy got awfully mad and stayed mad for about two days. He then heard from the senatorial leaders and he commenced laughing, and, I understand, he has been laughing ever since. When that came up in the conference the Senate conferees turned about face on that so quick that we did not have time to ask them to recede. They would not have let us adopt their amendment if we had wanted to. Then after we had been in conference for some time and just the day before we adjourned they brought up the aluminum matter again. It was stated that the experts had found they could keep within the law and add a little more to it. I am going to put in some of the aluminum rates.

House rate on aluminum, 5 cents per pound.

Senate Finance Committee rate on aluminum, 5 cents per pound.

Senate rate on aluminum, 2 cents per pound.

House receded and made it 4 cents a pound and left coils, plates, sheets, rods, circulars, disks, blanks, strips, rectangles, and squares, 7 cents a pound, but that was only a part of it.

There is a rate of 5½ cents a pound on steel and iron-stove ranges, percolators, and enamel ware, but if you put any aluminum on them you just practically double the tariff.

My good friend from Oregon tells us that the reason for that was because you can get horsepower for $6 in Canada and it costs us $25 over here. Now, what happened. The disks and alloys out of which the aluminum ware is made were given a rate of 7 cents. Now, who owns the aluminum plant in Canada? Uncle Andy. So Uncle Andy makes it here in America free, but he makes aluminum over in Canada and brings it in at only 4 cents a pound, and then adds the tariff of 7 cents on the crude when it is made into disks and alloys.

We are protecting Uncle Andy in America against Uncle Andy in Canada, and he is getting the duty on both ends. Why, my friends, on these little flatirons, these little electric irons, if they are part aluminum, which nearly every girl uses to smooth out her dresses, there is a duty of 8½ cents a pound and 65 per cent ad valorem. Now, what is the excuse for this protection? There is no competition, about which my good friend Doctor CROWTHER is always getting up here and tearing his hair. What was the great foreign production and importation? There came in from every other country in the world in 1929 only 124 electric irons, which these young ladies use to smooth out their ribbons, dresses, and laces. While we are making millions of them in this country, yet they put on a tariff of 8½ cents a pound and 65 per cent ad valorem on these irons to protect us from the wicked foreigner. And I will tell you my friends I do not care whether it is for Uncle Andy or anybody else, it is absolutely indefensible to charge the women of America two prices for a flatiron when there is absolutely no competition.

I am going to insert one of the Government expert's reports on electrical household utensils:

294. HOUSEHOLD UTENSILS WITH ELECTRICAL ELEMENTS: PARAGRAPH 339

The articles coming under this heading are ranges, flatirons, percolators, waffle irons, and toasters, etc.

The House bill carried a provision placing an additional 10 per cent duty on all household utensils with electrical elements. This provision was stricken out by the conference committee.

The Tariff Commission says: "In 1927 United States production of household utensils with electrical heating elements amounted to $37,872,526. The items largest in value were ranges, flatirons, percolators, waffle irons, and toasters. Imports of these are very small in comparison with the value of domestic manufacture." In 1928 only 124 flatirons were imported, valued at $341; the total imports of the whole class were $9,838.

	Domestic production	Imports	Exports
1921	$17,917,931		$1,637,450
1922			596,895
1923	27,933,326	$19,422	984,471
1924		13,379	1,104,086
1925	35,131,054	6,233	1,339,894
1926		6,956	1,722,381
1927	41,296,947	7,416	1,557,884
1928		9,838	1,587,377
1929		1,753	1,741,650

Exports nearly 100 times imports in 1929, and yet the House wanted to levy an additional 10 per cent.

This is the kind of competition Uncle Andy and these other manufacturers had to justify these exorbitant rates on stoves, flatirons and waffle irons and coffee pots. According to the Tariff Commission in 1928 there were imported from foreign countries the immense number of 124 flat irons, valued at $341. The total amount of foreign importations on all of these electrical articles, stoves, flatirons, percolators, waffle irons and toasters in 1928 according to the Tariff Commission were valued at less than $10,000—to be exact $9,838. The domestic production was $37,872,526 or two thousand eight hundred and thirty-three times as much. Five and eight and one-half cents a pound and in addition 40 per cent ad valorem on household utensils when for every dollar's worth imported into this country the domestic manufacturers produced $2,833. While at the same time we exported $1,587,377 worth of these articles. For every dollar's worth that came into this country from the foreigner, we sent to him $161 and yet they attempt to console the farmer for these legislative outrages by giving him a cent and a half a pound on acorns, and a tariff on skimmed milk and cashew nuts, and other items equally important. But that is not all; let us see what Uncle Andy got on alluminum table, household, kitchen, and hospital utensils (par. 339):

The House bill retained the present law of 11 cents per pound and 55 per cent ad valorem.

The Senate reduced this rate to a flat 25 per cent ad valorem. The equivalent ad valorem rate under the present law ranged from 76 to 80 per cent.

Conference made it 8½ cents a pound and 40 per cent ad valorem.

Tariff Commission report:

There were frequent complaints before the passage of the present tariff law that foreign wares were underselling the domestic. The com-

mission made an informal study of the situation in 1923 after the present act went into effect, and nothing developed to show that imported ware, save in rare cases, was offered below the price of American ware.

	United States production	Imports	Exports
1919	$18,718,830	$1,855	
1921	37,211,775	672,239	
1923	39,344,062	291,756	$697,372
1925	30,643,805	126,404	629,417
1927	27,990,354	72,100	565,443
1928		75,156	643,205
1929		70,295	708,467

Look at the prohibitive rates in this paragraph, in which there is practically no foreign competition.

337. MACHINES NOT SPECIALLY PROVIDED FOR: PARAGRAPH 372

The machines covered in this paragraph are of many types, the larger of which are as follows:

Type	United States production	Imports	Ratio
			Per cent
Pumps	$129,126,667	$13,000	0.01
Bottling machinery	11,583,700	8,000	.07
Calculating machines	10,613,610	41,000	.40
Compressors	30,186,024	233,000	.80
Printing machinery, not presses	9,335,982	143,000	1.7
Bakery machinery	20,015,158	486,000	2.4
Chocolate and confectionery machinery	5,682,001	161,000	2.8

The analysis of imports was for two months' period of 1929.

	Per cent
House bill	30
Senate finance	35
Senate	25
Conference	27½

In 1927 the domestic production was $1,053,982,979; imports, $7,454,387; exports, $126,078,230; nearly seventeen times greater than imports.

House Republican conferees wanted to retain House rates, but finally compromised at 27½ per cent.

Look at the increase in the tariff on turbines. Only one turbine has been imported into the United States for several years, but Mr. Treadway tells us that there is no reason why in the dim and distant future they might not some day come in. The House increased the duty on turbines 100 per cent and the conferees finally compromised on 20 per cent, though all of the conferees, with the exception of the gentleman from Massachusetts thought the rate was ridiculous.

I will now insert the figures here on the manufactures of base metal, not specially provided for, if composed wholly or in chief value of iron, steel, lead, copper, brass, nickel, pewter, zinc, aluminum, or other metal.

	Per cent
Act of 1922	40
House bill	50
Senate finance	45
Senate	40
Conference	45

The Tariff Commission states:

The base-metal articles included here consist of a host of miscellaneous manufactured products not provided for elsewhere. Many of the articles are economically important and are in daily use in homes, factories, and offices. Thousands of varieties of articles fall within the provisions of this paragraph.

Total domestic production by the large group of industries here represented is estimated to be in excess of $4,000,000,000 per year.

Imports and exports

	Imports	Estimated exports
1923	$6,837,106	$79,043,000
1924	6,840,465	73,048,000
1925	7,780,432	79,919,000
1926	8,774,220	86,181,000
1927	8,925,613	79,158,000
1928	8,922,943	85,998,000
1929 (11 months)	8,465,302	

I hold no brief for the users of textile machinery but a glance at the report of the Tariff Commission will show how ridiculous the high prohibitive rates are, especially when there are practically no imports, and in many instances the exports are sixty times as large as the imports.

305 AND 306. ELECTRICAL MACHINERY AND APPARATUS

PAR. 353. Electrical telegraph, telephone, signaling, radio, welding, ignition, wiring, X-ray apparatus, electric motors, fans, locomotives, portable tools, furnaces, heaters, ovens, ranges, washing machines, refrigerators, signs, etc.

	Per cent
Act of 1922	30
House bill	40
Senate Finance	30
Senate	30
Conference	35

Articles falling under this paragraph are chiefly the products of General Electric, Westinghouse Electric & Manufacturing, and Western Electric.

Tariff Commission reports that the production, imports, and exports of articles falling within this paragraph are as follows:

	Production	Imports	Exports
1923	$819,185,883	$281,095	$50,015,993
1927	1,392,635,022	1,770,115	68,536,133
1928		1,429,152	72,400,705
1929 (9 months)		942,352	71,359,043

Imports are about 1 per cent of the domestic production, and the exports are fifty and sixty times the amount of the imports.

The 30 per cent is too much. You are exporting in competition with the world. Where you have an industry in this country, exporting like they are in competition with the world you do not need 30 per cent.

House Republican conferees while insistent upon the 40 per cent rate finally agreed to compromise at 35 per cent.

335. TEXTILE MACHINERY, NOT SPECIALLY PROVIDED FOR

	Per cent
Act of 1922	35
Ways and means	35
House bill	40
Senate finance	35
Senate	35
Conference	40

These machines are manufactured in Massachusetts and Mr. TREADWAY insisted upon increased rate.

Many of the machines falling under this paragraph are not produced in this country, and some German machines imported are sold higher than domestic.

	Production	Imports	Exports
1923	$93,202,387	$4,728,800	$6,745,114
1927	85,886,958	2,487,879	5,971,960
1928		2,129,279	6,892,473

Imports less than 3 per cent of domestic production and exports three times amount of imports.

Mr. GARNER moved to take matter back to the House. The vote of House conferees showed all Democrats for taking same back and all Republicans against.

ELECTRICAL MACHINERY AND APPARATUS

Very important item and wholly unnecessary increase. In fact do not need over 10 per cent yet present law was increased by the House to 40 per cent. Senate restored present law which is 20 per cent, and entirely too much as imports and exports will show.

These articles are such as electrical telegraph, telephone, signaling, radio, welding, ignition, electric motors, electric fans, locomotives, portable tools, furnaces, heaters, oven, ranges, washing machines, and refrigerators.

These articles are for the most part made by three firms—General Electric, Westinghouse Electric Manufacturing Co., and Western Electric.

814. NEEDLES: PHONOGRAPHS, GRAMOPHONES, GRAPHOPHONES, DICTOPHONES, ETC.

Act of 1922	per cent	45
House bill	cents per thousand and 45 per cent	8
Senate Finance	per cent	45
Senate	do	45
Conference	cents per thousand and 45 per cent	8

Tariff Commission reports that "the average invoice value from 1925 to 1928 was 9.9 cents per thousand needles.

Equivalent ad valorem duty

	Per cent
8 cents per thousand	145
9 cents per thousand	133.8
10 cents per thousand	125
11 cents per thousand	117.6
12 cents per thousand	111.6

	Production	Imports
1923	$1,464,964	$22,694
1925	960,831	17,546
1927	1,321,729	28,260
1929		17,995

This is an increase of more than 145 per cent.
These needles are manufactured in Massachusetts.

This is a New England bill, and before I get through I will show you that practically 75 per cent of the substantial increases are for New England.

You know I could talk from now until 6 o'clock this evening about what my good friend from Massachusetts, Brother TREADWAY, got. And he is opposed to nearly every rate in the bill which does not apply to New England. Most of the cheap, costume jewelry is made in Massachusetts, and a great deal of it, I understand, is made in Brother TREADWAY's district. He succeeded in getting a rate of 110 per cent on this cheap, costume jewelry. Now, what is this costume jewelry? It is the little bracelets or rings or necklaces that have every constituent in them except precious stones and gold or platinum, and sells anywhere from a dime to four or five dollars. For a dollar or a dollar and a half you can buy these pretty little fancy necklaces. Mr. TREADWAY got the duty raised to 110 per cent, and Senator SMOOT stated on the floor of the conference—I want the House to listen to this—after remonstrating with Mr. TREADWAY, after we had tried to get him to agree to 90 per cent and then to even 100 per cent, Senator SMOOT said:

I do not care so much about it, but I hate to see a bill with my name on it go out with a tariff of 110 per cent on the cheap, costume jewelry that the poor people have to wear and only 10 per cent on the highly polished diamonds that the rich people wear.

This is not my statement, this is the statement of the chairman of the conference and the Finance Committee of the Senate [Senator SMOOT].

Now, gentlemen, let us look at the importations that frightened Mr. TREADWAY and made him do this. There are $164,000,000 worth of jewelry produced in the United States, and for every dollar's worth that is brought into this country there is over $80 worth manufactured in the United States or in New England. Consider the girl who works behind a counter, the waitress at the table, and the girls of limited means working for a living.

Implanted in the female breast there is a love of the beautiful found alike in the heart of the rich cultured daughter of civilization and refinement as well as in the heart of the uncultured daughter of the savage to bedeck herself with jewels and make herself look prettier and more attractive and to love the beautiful and the ornamental. These little cheap, two or three or four dollar jeweled bracelets sneered at by the gentleman from Massachusetts, are just as dear to the heart of the girl who is getting only ten or twelve dollars a week as a bracelet set with diamonds and sapphires and other precious stones on the daughter of the magnate or the millionaire. I can understand why Senator SMOOT hates to see a tariff bill bearing his name with 110 per cent rate fixed by law on cheap, costume jewelry for the poor and only 10 per cent on polished and finished diamonds for the rich.

They tell me that my good friend, Mr. TREADWAY, by reason of his prominence, his statesmanship, his ability, and his oratorical attainments, very frequently gets invitations on the Fourth of July, the Nation's birthday, to journey to that historic spot in Boston, that place so dear to the hearts of all lovers of human liberty, and there make patriotic addresses which hold spellbound immense throngs. I can vision this gentleman, standing in the sacred precincts of old Bunker Hill. I can see him throw back that massive chest, lift his leonine head, and with heroic demeanor and a voice trembling with patriotic fervor, say something like this: "On the spot where I now stand there were first set in motion those forces which made it possible to demonstrate for all time a complete manifestation of man's capacity for self-government. It was here where I now stand that liberty and freedom, with sword uplifted above the cradle of an infant republic, consecrated that sword to the imperishable principle of equality of opportunity for all mankind." [Applause.]

Equality of opportunity for all mankind—10 per cent by law, by congressional action, for the diamonds of the rich and 110 per cent by law, by congressional action, for cheap costume jewelry for the poor.

Shame on us as legislators that we permit such outrageous legislative distinction. The worst part of it is that there is no excuse for the rate, as there is no competition from abroad on this jewelry. The domestic production is $164,865,057, the imports were $1,852,839, a ratio of over 80 to 7, and yet 110 per cent on cheap costume jewelry.

The most ridiculous act of tariff inconsistency ever displayed since I have been a Member was that shown by the gentleman from Massachusetts in the item relating to carillons. I have never had the good fortune to hear the chimes of a carillon ringing in any church, but I have been told that the sacred music rendered by these carillons is wonderful. A true carillon consists of a great number of bells, some of them as high as 64 in number, each bell having a different tone. According to the Tariff Commission, no carillon has ever been made in America with over 23 bells. The reason is obvious. America goes in for mass production, whereas on some of these highly attuned bells only those whose fathers and whose fathers before them have been engaged are now engaged in the making such bells. The workmen themselves are musicians, and the knowledge of their manufacture has been handed down to them for generations. The sale of these bells is so limited that American industry has not found it profitable to manufacture them, and therefore, as the Tariff Commission reports, no bells except those of a larger type consisting of a group of 23 have ever been made in this country.

The gentleman from Massachusetts believes that there is a manufacturer in his district that some day in the far, dim, and distant future may manufacture more than 31 bells. The reason I say 31 bells is because the American manufacturer has been protected on all carillons coming into this country which have 31 or less bells.

The Senate provided that all carillons having 31 or more bells should come in free, and this greatly raised the ire of the gentleman from Massachusetts. Notwithstanding the fact that we were receiving appeals from churches from many parts of the country begging us to let these carillons of over 31 bells come in free, he stood firm. Only this morning my good friend Governor MOREHEAD, of Nebraska, came to my office with a protest from one of his churches, and he has asked for and been given time to discuss this subject.

These bells cost a good deal of money, and it generally takes a church several years' hard work by subscriptions, having little sociables, bazaars, and church fairs to raise enough money to buy these bells. But the gentleman from Massachusetts stood firm. He would not budge, and the churches now have to pay the tariff on carillon bells, which never have been and in all probability never will be made in this country.

Now, let us look at the ridiculous inconsistency of the gentleman from Massachusetts. I have been a member of the Ways and Means Committee since 1913, and, as far as I can recall, only one bill was ever called up before that committee asking that the tariff be taken off in a special instance and admit these carillon bells free of duty to a particular church.

Where was this church located? Surely not in the great State of Massachusetts, where Mr. TREADWAY is insisting on a duty on these bells. Yes; this bill provided for the taking off of a duty on a special church in the State of Massachusetts. My recollection is that the gentleman from Massachusetts [Mr. TREADWAY] introduced this bill and the church was in his district. I know that the gentleman from Massachusetts called up the bill and by the magic of his persuasive eloquence induced us to suspend the tariff and permit a church in his district in Massachusetts to get their carillon in free.

Oh, how he argued and raved and talked then about the outrage of taxing a church on the bells which called people to worship, and now after he has got the bells in the churches in his State free, he comes in here and insists on the churches in the other 47 States paying a tariff of 20 per cent on every set of bells they bring in, in the the faint hope that 15 or 20 years from now it will protect some industry in his own district when there is no competition now. I will yield to the gentleman from Massachusetts to say if I have not stated the facts.

Mr. TREADWAY. I will say in answer to the gentleman that it will take me so long to show that he has not stated the facts that I prefer to do it in my own time rather than in his.

Mr. COLLIER. I imagine it would take the gentleman from now until doomsday. [Laughter.] I was waiting for the gentleman's explanation or denial, for I have the papers right here. I have the bill.

Now let me show you the joke on granite. I want to say to you Massachusetts people that I believe you have a wonderful granite up there. We have a Massachusetts granite bowlder in my town, and if I had time I would like to tell you about it. It came from Massachusetts and is a wonderful bowlder. It is part of a monument erected by the State of Massachusetts to

the glory and heroism of Massachusetts' soldiers who fought at Vicksburg in the Civil War.

When the bill came up here the other day to appropriate $450,000—or was it a million—I can never recollect figures—to use Massachusetts granite in a public building for Boston instead of limestone from Indiana, I voted for Massachusetts granite because I believed the material from Massachusetts should be put in a Massachusetts building. I was one of the few who voted for granite.

They increased the tariff 10 per cent ad valorem and then increased the polished 10 cents more per cubic foot.

But look at the joker. They put in the word "pitched" which means only, cutting the rough edges off so it can be easily transported. Here is the memorandum on this from the Tariff Commission and the experts.

The House bill inserted the words "pointed, pitched, lined" in both provisions of paragraph 235. The Senate struck out the words "pitched, lined" wherever they occurred, and agreed to the rate of 25 cents per cubic foot for unmanufactured granite.

The word "pitching" as used in the granite industry means roughly chipping off the excess stone from the surfaces of the block as it comes from the quarry, largely to facilitate the transportation of the stone. Practically all of the rough granite (domestic or imported) is more or less pitched before it leaves the quarry.

The House conferees insisted upon the inclusion of these words and the conference committee agreed to same. The effect of the insertion of the word "pitched" transfers practically all rough unmanufactured granite to the provision for manufactured granite subject to a duty of 60 per cent. This rate of 60 per cent is equivalent to a specific duty on rough granite blocks, according to size and quality, from 75 cents to more than $2.40 per cubic foot. This would mean an increase for some types of 1,500 per cent or more above the existing rate of 15 cents per cubic foot.

Domestic production of unmanufactured granite is largely confined to Vermont and Massachusetts. Granite produced in Pennsylvania, Wisconsin, and Minnesota is practically all manufactured in connection with the quarries.

	Domestic production		Imports	
	Cubic feet	Value	Cubic feet	Value
1924	3,520,530	$8,167,630	146,728	$215,515
1925	3,195,250	8,020,176	156,767	228,753
1926	3,240,550	7,388,454	184,457	250,793
1927	3,197,910	7,383,805	132,722	213,387
1928	3,172,730	7,773,186	142,907	241,058

In 1924 the imports were approximately 2.6 per cent of production; in 1925 the imports were approximately 2.8 per cent of production; in 1926 the imports were approximately 3.3 per cent of production; in 1927 the imports were approximately 2.8 per cent of production; in 1928 the imports were approximately 3 per cent of production.

Granite is mainly found in only two States, Massachusetts and New Hampshire. If this tariff had gone into effect and you wanted to build that post office up there in Boston of granite, instead of $150,000 extra you would have had to ask for $200,000.

Mr. BRIGHAM. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. BRIGHAM. I just rose to remind the gentleman of the fact that he overlooked the principal granite-producing State, which is the State of Vermont.

Mr. COLLIER. Oh, I apologize to the gentleman. I intended to say Vermont instead of New Hampshire. And I might say, also, that I have always found the gentleman fighting as hard as he could for those whom he so well represents, and I congratulate him. But I believe, my good friend, that if this bill goes into effect, even as hard up as some of the Vermont people may be, the good State of Vermont has better days in store for her.

Oh, the gentleman from Massachusetts is a very consistent gentleman. I thought he was going to have an apoplectic stroke when the tariff of 10 per cent on hides was adopted. He wanted them free, and yet he has demanded a rate of 20 per cent on the Massachusetts boots and shoes made from these hides that he wanted to come absolutely free.

I agree with him that the tariff of 10 per cent on hides will do the farmer no good, and I also believe that a tariff of 20 per cent on boots and shoes is an indefensible outrage.

The majority conferees finally, when they saw how much benefit they were going to get by the compensatory rate on leather, boots, and shoes, were eager to give the farmer 10 per cent on his hides, because that was the excuse for getting these outrageous rates on leather and shoes.

Let us analyze this tariff on hides, shoes, and leather. In the first place, the tariff of 10 per cent on hides will only in a few instances go to the farmer. Farmers do not sell hides. They sell cattle, and the 10 per cent rate on hides will have absolutely no effect on the price of the steer. Suppose a steer carried a hide weighing 40 pounds. If the packer should allow him for the hide, it will only be 40 cents on his 40 pounds. But the packer is not going to do this, and they are the only ones who will benefit by this tariff.

Suppose a farmer had 10 steers to sell, and their hides average 50 pounds, and he sold the hides himself and got 50 cents for each one of them, that would net him a profit on the 10 steers of $5 on account of the tariff on hides.

Suppose he should buy saddles and harness during the year costing $50, and it should bear the highest rate of duty on these articles, he would be taxed $17.50 on his $50 worth of saddles and harness. Suppose he should buy the cheapest kind, then on $50 worth he would be taxed $7.50, or $2.50 more than the tariff he got on his hides, which was only $5.

Suppose he should have a wife and four children and would have to buy each one of them two pairs of shoes during the year at $3.50 a pair. That would be $42. Let us take 20 per cent tariff on these shoes, which would be $8.40. Therefore, a farmer selling 10 steers would get a tariff profit of $5; $50 worth of saddle, harness, or belting or leather lines, and so forth, tariff cost to him would be $7.50; 12 pairs of shoes at $3.50 per pair, $8.40; total tariff received, $5; total paid on account of tariff, $15.90; total loss to farmer, $10.90. And how about the farmer who did not sell the hides, or did not raise cattle, and how about the one hundred and more million people who are not in the cattle business and would have to pay the tariff on shoes?

The tariff on shoes will not affect any pair of shoes costing over $5 a pair. It will only affect the cheaper grades, for only the cheaper grades come into the United States.

I am going to insert an interesting table showing the percentage of excess tariff in the compensatory tariff in these items.

Basis of duty on hides and a compensatory duty on leather (assumed duty on cattle hides and calfskins, 10 per cent ad valorem)

Leather classification	Units of quantity	Quantity of leather, pounds or square feet produced from 100 pounds of imported green cattle hides or calfskins [1]	Weighted average value of imported green cattle hides or green calfskins (1924–1928)	Amount of duty per 100 pounds of cattle hides or calfskins at assumed rate of 10 per cent ad valorem	Value per pound or square foot of imported leather (weighted average of imports 1924–1928)	Compensatory duty on leather		Per cent given in excess of compensatory duty
						Specific, column 4 divided by column 2	Computed ad valorem, column 6 divided by column 5	
	1	2	3	4	5	6	7	8
							Per cent	
Sole leather	Pounds	66⅔	$0.1713	$1.713	$0.3675	$0.026	7.07	5.43
Belting leather [2]	do	60	.1713	1.713	.7376	.029	3.93	8.57
Harness leather	do	70	.1713	1.713	.4174	.024	5.75	6.75
Bag, case, and strap leather	Square feet	90	.1713	1.713	.5111	.019	3.72	16.28
Upholstery leather	do	85	.1713	1.713	.3402	.020	5.88	14.12
Side upper leather	do	77	.1713	1.713	.2158	.022	10.19	4.81
Patent side leather	do	78	.1713	1.713	.3643	.022	6.04	8.96
Calf and kip upper leather [3]	do	110	.2618	2.618	.3249	.024	7.39	7.61

[1] On the basis of data furnished by tanneries on each of the leather classifications.
[2] Yield reduced from 70 to 60 pounds in accordance with revised information received from belting leather tanners.
[3] Corrected figure for weighted average value of imports.

My good friend, Doctor CROWTHER, got some pretty good tariff raises too. But I want to say this about Doctor CROWTHER. He is different from the gentleman from Massachusetts. He is anxious to get all the tariff he can get on every article in his State, but he is willing to give everybody else just as good a tariff as he gets himself. He is absolutely honest and consistent, and while I think his viewpoint is wrong, yet he is fair to others in that he is willing to put a tariff on articles in every section of the country.

He had charge of the sundry schedule. Let us look at some of the rates. I am going to take gloves, for instance. I am inserting here a table from the Tariff Commission on gloves:

797. GLOVES—MEN'S

Act of 1922, $5 dozen pairs not over 12 inches long, 50 cents dozen for each inch in excess.

House bill, $6.50 dozen pairs not over 12 inches long, 50 cents dozen for each inch in excess.

Senate Finance, $5.50 dozen pairs not over 12 inches long, 50 cents dozen for each inch in excess.

Senate, $6 per dozen pairs.

Conference, $6 per dozen pairs.

Comparison of imports with domestic production of leather gloves in 1928, according to types: Type, men's; production, 34,806,324 pairs; imports, 90,074 pairs; ratio of imports to production, 0.26.

The House rates increased some of this type gloves 110 per cent over the present law, notwithstanding the fact that the imports were 0.26 of 1 per cent of the domestic production.

Practically all men's gloves are not over 12 inches in length, and the conference action increases the duty from $5 per dozen pairs to $6 per dozen pairs with only 0.26 of 1 per cent imports.

On men's and boys' leather gloves Doctor CROWTHER got as high as $6 a dozen pairs. What was that killing foreign competition he has so eloquently raved about here in the House? Let us look at the report of the Tariff Commission. In 1928 there were produced in this country 34,806,324 pairs, while foreign countries brought in only 90,074 pairs. For every one pair of gloves brought in over 385 were made here in America. The importation of these gloves was less than $2,000; to be exact, $1,753, or 0.26 of 1 per cent of the domestic production. At the same time we exported to the other fellows' country 1,741,650 pairs of these gloves. In other words, every time the wicked foreigner imported one pair of these men's and boys' gloves to America to put Doctor CROWTHER out of business, Doctor CROWTHER's factory exported to the wicked foreigners' country 990 pairs to put the wicked foreigners' factories out of business.

393. PAINTBRUSH HANDLES

While there was no disagreement between the rates carried in the House bill and Senate, it is interesting to note that this is one of the articles on which the tariff was reduced by presidential proclamation.

President Coolidge, on November 13, 1926, issued a proclamation under the flexible provision of the act reducing the duty from 33⅓ per cent to 16⅔ per cent.

The bill places them back at the 33⅓ per cent rate.

I will now insert a table on umbrellas, parasols, and sunshades, which was taken from the Tariff Commission's report:

836. UMBRELLAS, PARASOLS, AND SUNSHADES

	Per cent
Act of 1922	40
House bill	60
Senate Finance	40
Senate	40
Conference	40

	Production	Imports	Exports
1923	$28,395,233	$65,919	$202,654
1925	27,299,431	81,546	214,910
1927	23,156,400	152,619	185,125

Imports are less than 1 per cent of domestic production in 1927, and exports were more than imports. Practically all of the imports are of the cheaper kinds not produced in the United States.

Senator SMOOT said in connection with House Republican conferees' insistence upon House rates: "There is no earthly need for more than existing law." "I do not think you want to make it ridiculous." "The House rates will be an absolute embargo."

House conferees finally agreed to retain rates of the present law.

I am going to insert without comment a number of tables which have been prepared showing the outrageous rates in this bill.

Linoleum is one of the most indefensible raises in the bill.

Rate, based on competition, exports, and imports, should have been reduced.

Every housekeeper uses linoleum on the floors in bathrooms.

Increase over 20 per cent.

Domestic production for 1928, $24,000,000 plus.

Imports less than $1,500,000.

In 1929 exports were $1,173,482 and imports less than $800,000.

	Per cent
The act of 1922	35
House bill	40
Senate	42
Conference	42

The rate on linoleum increased 20 per cent the present law, notwithstanding the fact that the United States is a large exporter of same.

Tariff Commission reports:

Linoleum is produced principally in Pennsylvania and New Jersey. Exports of linoleum from the United States are widely distributed, having gone to more than 50 countries in each of the six years ending with 1927. Australia, the United Kingdom, and New Zealand are the principal markets for United States exports.

Value of domestic production, imports, and exports

	Production	Imports	Exports
1919	$27,457,045	$123,577	
1921	32,628,917	310,633	
1923	44,588,996	1,657,982	$582,482
1925	44,512,515	1,824,402	412,038
1927	42,039,062	1,149,853	716,678
1928		785,587	1,173,482

Staples, for use in paper fastening: 6,000 per cent increase made by the Senate, but reduced to only 300 per cent by the conference.

292. STAPLES, IN STRIP FORM, FOR USE IN PAPER FASTENERS OR STAPLING MACHINES

	Cents per pound
Act of 1922	0.6
House	.6
Senate Finance	40
Senate	10
Conference	2

Tariff Commission has no statistics on production, imports, and exports.

Senate Finance Committee rate of 40 cents per pound was an increase of 6,000 per cent. Ten-cent rate adopted by Senate was an increase of 1,500 per cent. The conference rate of 2 cents per pound is a 300 per cent increase.

The conference committee first accepted the rate of 0.6 cent per pound, but was reopened and made 2 cents per pound.

You know the only thing that will sometimes save a man's life when he has a heart attack is digitalis. I am now talking about one of the most indefensible items in this bill. Digitalis is a necessary article, and we can not make an ounce of it in this country. The gentleman from Oregon put a duty on it. The gentleman from Oregon says there is a weed growing wild up in Oregon that is digitalis. Think of it! A lot of people now living may die because the gentleman from Oregon has taken digitalis off the free list in this bill. That will be on his conscience. [Laughter.]

The most indefensible rates in the bill are the cotton and wool schedules. Let us look at cotton shirts. The act of 1922 made the rate on them 25 per cent. Look what we have here, my friends. They have raised the rate on the common everyday cotton shirt over 100 per cent; the common shirt that the ordinary man wears. Here is where my good friend from New Jersey [Mr. BACHARACH] shows his hand. On the cheap shirt, where we produce thirty-four times as many as we bring into this country, he has raised the tariff over 100 per cent. The high rates all through this bill only go to the people who toil.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. COLLIER. I will yield myself 10 additional minutes. The high rates are imposed on the people who toil, those people who are now out of a job, 5,000,000 of them.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. GRIFFIN. What was the increase on the more expensive shirts?

Mr. COLLIER. Only 25 per cent; on the cheap shirts over 100 per cent.

574: SHIRTS—COTTON, EXPORTS THIRTY-FOUR TIMES AS MUCH AS IMPORTS

	Per cent
Act of 1922	35
House bill	37½
Senate Finance	50
Senate	45
Conference	45

Tariff Commission reports:

New York, Pennsylvania, and New Jersey are the largest producers.

	Production	Imports	Exports
1927	$230,385,279		
1928		$28,803	
1929		61,203	$2,072,998

House Republican conferees readily agreed to the Senate rate of 45 per cent, although the House bill only carried 37½ per cent, notwithstanding the exports in 1929 amounted to $2,072,998—nearly thirty-four times the amount of imports, which were only about one-fourth of 1 per cent of the domestic production.

I will now insert some tables on blankets.

642–643. BLANKETS—WOOL, AND OTHER SIMILAR ARTICLES

Tariff Commission reports—Equivalent ad valorem rates on basis of imports in 1928

	Per cent
Act of 1922	61.65
House bill	66.29
Senate Finance	65.44
Senate	67.27
Conference	67.27

Domestic production of bed and horse blankets in 1927 amounted to 27,948,488 pounds, valued at $24,758,663.

The average annual imports of wool blankets and similar articles from September 22, 1922, to December 31, 1929, amounted to 446,689 pounds, valued at $480,999.

Average amount of imports are less than 2 per cent of the domestic production, and rate is increased from 61.65 to 67.27 per cent.

567. BLANKETS—COTTON

Equivalent ad valorem rates based on 1928 imports

	Per cent
Act of 1922	25.00
House bill	35.00
Senate Finance	60.44
Senate	52.20
Conference	52.20

The House Republican conferees accepted the Senate rates, which are more than double the present law.

Tariff Commission reports

	Production	Imports	Exports
1923	$24,712,877	$491,874	$970,258
1925	29,547,532	707,557	817,685
1927	29,452,248	277,122	925,766
1928		263,227	817,121
1929		469,553	885,311

In 1927, the last year domestic production figures are available, the imports were less than 1 per cent of production, and the exports were three times the amount of imports.

There has been a change of rate of only the difference between 61.65 and 67.27 on the expensive grades, the highest-priced blankets in the market. But on the cheap, cotton blankets they went up from 25 per cent to 52.20 per cent. They increased the expensive woolen blankets but slightly, the kind that very few of us buy, because, as you know, they cost $10 or $12 or $14 a pair. But on the cheap blankets for the 5,000,000 people out of a job, they have raised the rate over 100 per cent.

639–640. CLOTHS AND OTHER HEAVYWEIGHT FABRICS OF WOOL

Tariff Commission reports—Equivalent ad valorem rates on basis of imports in 1928

Act of 1922	70.71
House bill	82.51
Senate Finance	82.47
Senate	84.10
Conference	84.10

In 1927 domestic production of woolen and worsted piece goods was valued at $516,722,875.

The average annual imports of wool cloths from September 22, 1922, to December 31, 1929, amounted to $18,143,105. Imports in 1929 amounted to $17,265,807. Imports in 1929 were a little over 3 per cent of the domestic production.

One of the meanest and most inexcusable tariffs in this bill is the tax of $2.27½ a pound on Sumatra tobacco wrappers.

Up to several years ago the 5-cent cigar was put out of business by the increased cost of living. There are practically no wrappers in America save a few grown in Massachusetts in the shade and at great expense. These wrappers are grown, so I understand, by great corporations and not by farmers. There are also a few wrappers grown in Florida and Georgia, but not an appreciable number. There are about 1,200 people, so I am informed, engaged in Massachusetts in this business.

In order to make it possible to again have a 5-cent cigar the cigar makers represented to the Ways and Means Committee several years ago that if we would considerably reduce the revenue tax on the 5-cent cigar it would again be on the market. We did so, and immediately a great business sprang up.

In over 15 States 40,000 farmers are engaged in making fillers for the 5-cent cigar, and it gives employment to over 60,000 people. It seems that the foreign wrapper has a different flavor from the American wrapper and is the only one that can be used so the people will smoke them, though those grown in Massachusetts are very good imitations and good 5-cent cigars can be made from them, but only a limited number, as there are only 1,200 people engaged in the business.

Mr. TREADWAY held out for a number of days, insisting on $2.50 a pound on these wrappers. All the other nine conferees begged him to give way, stating that he would again destroy the 5-cent cigar. One of the majority conferees, the highest protectionist I have ever known, stated that this was a case where only part of one congressional district in the United States was antagonistic to the other 434 congressional districts in the United States. There was also much antagonism from the farmers in the gentleman's own district, but he stood firm, got a rate of $2.27½ a pound, and not only destroyed the 5-cent cigar, but will put out of business 60,000 workmen and reduce the earning capacity of 40,000 farmers, who through their organizations protested as strongly as they could against this rate.

If I had the time I could tell you how outrageously the tariff has been raised on surgical and dental instruments and all hospital supplies, but my time is nearly exhausted and I must hurry to a close.

This tariff bill will be a law in a few weeks, and next December at that season of the year when the merry Christmas bells are pealing the glad anthems of peace on earth, good will to men, we can look into the future and see a desolate home where want and privation dwell. Last year there was a Christmas tree in that home, but this year the only cheer to lighten up the darkness of privation and want are a few smoldering embers of fire around which were closely huddled the father, the mother, and several children.

"Father," said one, "why is it we have no Christmas tree? We had one last year, and Mary Jones told me that they had a beautiful one at their home."

"Yes, my child, I don't doubt it, for Jones is the superintendent of the factory and he has employment all the year round, while I have been out of a job for seven months. But I did intend to have a Christmas tree, but Mr. TREADWAY put a tariff on Christmas trees. The good Senate tried to strike it out, but Mr. TREADWAY was too strong for them."

"But father," said little Susie, "You are going to give me the imitation pearl necklace you promised me, ain't you?"

"I am sorry, Susie, but Doctor CROWTHER put a tax of over 4,000 per cent on imitation pearl necklaces, and I can not give it to you. We will have to wait for better times."

"Josie, I told you I was going to get you some of those pretty little celluloid dolls that the 5 and 10 cent stores keep, but Doctor CROWTHER raised the tariff 450 per cent on them, and I can not give them to you."

"Mary, you know I have been promising you a little electric flatiron for a long time, so you could iron your own clothes. As they were made in Massachusetts I felt a little uneasy, but I found that only 124 of them came in last year, so I was sure that it was all right. I went down to buy one to-day and found that Doctor CROWTHER and Mr. TREADWAY had put a tariff of 8½ cents a pound on them, and in addition 65 per cent ad valorem, so I had to pass them up. But I heard you say that you would like to have some of these little handmade embroidered handkerchiefs which sell for 20 and 25 cents, and I said to myself, Mary will have to be satisfied with the handkerchiefs; but I found that Doctor CROWTHER had put a tariff of 240 per cent on them, and I could not buy them either."

"You got me my little mechanical pencil didn't you, father?" asked Johnny. "Yes," replied the father, his face brightening. "I got you that, but we had a close shave. Doctor CROWTHER raised the tariff about 200 per cent ad valorem on them and then increased the specific tariff on a gross another 200 per cent, and then changed the word 'gross' to 'dozen,' and added 2,400 per cent; but the good Senate found it out and they struck out the word 'dozen,' and only let Doctor CROWTHER have the 400 per cent tariff; so I got you the pencil."

"I feel mean about that little imitation-jewelry bracelet I promised you, Susie." "Father, you don't mean to say that you did not get me that bracelet." "They put a tax of 110 per cent

on it daughter, and I could not afford it." "But," said little Susie, "Mary Jones, the manager's daughter, has got a diamond bracelet, and I couldn't even have an imitation-jewelry one."

"No, my little girl, you don't understand," patiently replied the distressed father, "these imitation jewel bracelets are made in Massachusetts, and Mr. TREADWAY insisted on 110 per cent. Besides Mr. Jones can afford a diamond bracelet for his daughter, for he is the superintendent, and then there is only 10 per cent on diamonds."

"This won't be much Christmas. I had hoped to give father a box of 5-cent cigars, for since the revenue tax had been reduced they were making fine ones. But Mr. TREADWAY got a tariff of $2.27 a pound on tobacco wrappers, and they have quit making nickel cigars.

"But there is no use crying over spilt milk. We will have to make the best of it. Maybe conditions will change after a while."

"Well," said little Josie, "I wish we could have got the tree anyhow. Then if we could not have bought anything maybe good old Santa Claus would have put something on it for us."

"No, Josie, Santa Clause can't come this year."

"What," said little Josie, "do you mean to say those wicked men have put a tariff on Santa Claus?"

"No; but they have stopped his transportation."

"How so?" demanded little Josie.

"Well, they put a tariff of 12 cents a pound on reindeer, and he can't bring them in." [Laughter.]

Mr. Speaker, I reserve the balance of my time.

Mr. HAWLEY. I yield five minutes to the gentleman from Pennsylvania [Mr. WATSON].

Mr. WATSON. Mr. Speaker, the appointed leader of the minority, who has just spoken to you, has followed the tradition of his party; but if the gentleman would consult the people of his Democracy individually, he would find that many of them are not in favor of his low-tariff policies.

I was amused because the gentleman spent most of his time in an attack upon the Republican conferees. He often, however, praised them. I also noticed that he opposed the tariff on many commodities, but all that he attacked were manufactured in the Northeast. Not one was manufactured in the South.

I have been a Member of the House during the consideration of three tariff bills, and on each one the Democratic Party has become more pacific. In not many years they will probably join the Republican Party in writing a high tariff bill, in favor of the commercial industries at large.

I want to speak upon cement for a few moments.

There are about 176,000,000 barrels manufactured in the United States. Of that number 39,000,000 are milled in the States along the coast. It is true about 3,000,000 barrels of cement was imported in 1929, but the few barrels affected the price of the 39,000,000 barrels that are manufactured along the coast.

Within the year Belgium has reduced the price of cement 9 cents a barrel. Cement can be manufactured in Belgium 46 cents less than it can be manufactured along the eastern coast.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. WATSON. I yield.

Mr. DICKSTEIN. Will the gentleman explain the quality of the two cements, the Belgium cement and the United States cement?

Mr. WATSON. The quality must be very good, because Senator BLEASE would contract for foreign cement in all the highways in his State. That probably explains to the gentleman from New York [Mr. DICKSTEIN] that the foreign cement is better than the domestic cement for highways. But that is not the reason why Senator BLEASE wanted the amendment. He wanted the amendment because he desires foreign cement brought into this State. Thirty-three per cent of all the cement is used in building highways, about 40 per cent in public buildings and if foreign cement is allowed on the free list there will be very little domestic cement used in public buildings along the Atlantic coast.

Mr. HASTINGS. Will the gentleman yield?

Mr. WATSON. I yield.

Mr. HASTINGS. Will the gentleman advise the House how much cement is imported to this country, and how much is exported? Perhaps the gentleman has already given the figures, but I did not catch them.

Mr. WATSON. Last year there were 2,986,000 barrels of cement imported, which affected the output of cement principally along the coast, New York and as far south as Charleston. Only about 800,000 barrels of cement were exported last year.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. WATSON] has expired.

Mr. WATSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WATSON. Foreign cement can not be imported beyond 100 miles from the seaboard with profit because of the freight rates.

There are 158 cement mills in 32 States.

The allegation that 6 cents per 100 pounds will be added to the price of cement because of the duty is absurd. Not even along the coast will this duty affect the price of cement.

In 1928 the price of foreign cement was reduced 9 cents per barrel, and domestic producers were obliged to meet this reduction.

Every barrel of cement manufactured requires 55 pounds of coal, which means that 82,500 tons of coal were consumed abroad when it should be at home.

It is estimated that 30,000 men are employed in cement plants along the coast, and imported cement of course must limit the number of American workers.

The seaboard manufacturer must also compete with Belgium cement, as the foreign production is less by 46 cents per barrel than that of domestic. It is only along the Pacific and Atlantic coasts that mills are affected by the importation, for reasons I have already mentioned.

The imports of hydraulic cement into the United States in 1928 show an increase of 11.4 per cent over 1927.

In writing a tariff bill to meet the industries of the United States, which are so varied because of the climate and resources, it is rather difficult to equalize rates. The West must take into consideration the industries of the East, and vice versa; otherwise there will be commercial jealousies, which might lead to very serious industrial development. For this reason the cement plants and other industries along the coast that are directly affected by free entry should be protected, as the agricultural products of the West should receive similar consideration by the industries of the East.

If we are to penalize industries and favor foreign production and the foreign laborer it will be a very long time before we can reduce our national debt, which must largely be met from industrial taxes.

The cement manufacturers are satisfied with the rate of 6 cents per 100 pounds, providing the Blease amendment is eliminated. Should this amendment remain in the bill 33 per cent of foreign cement could be used in the building of highways, and probably 40 per cent or more in the construction of public buildings, which would not only affect the 30,000 men employed in cement mills along the coast, but would to a degree be the elimination of $600,000,000 now invested in cement industries.

Cement used by "a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes," in accordance with the Blease amendment, would practically close the cement mills in the States along the coast line, but it would not so much affect the Middle West, as the freight rates would to a degree force the use of domestic cement for public buildings.

Under the present law a contractor for public buildings may have authority to stipulate foreign commodities under certain conditions. Therefore, a contractor making a bid for a municipal building would be obliged to stipulate whether or not he would use domestic or foreign cement. If foreign it would of course be a commercial injury to our domestic production, and in the event that the contractor should have a surplus of several hundred barrels of foreign cement there would be some difficulty in the Government collecting the duty. It does not seem just that the country should erect public buildings in the interest of all at the expense of the American laborer.

Mr. HAWLEY. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker and Members of the House, it had been my intention to devote the time granted me by the chairman of the committee to a general discussion of the conference report that is before you to-day, and particularly the items having to do with the personnel of the Tariff Commission and the flexible provision of the tariff law, but, my genial colleague and friend, the gentleman from Mississippi [Mr. COLLIER], whom I do not see present, was finding fault with another gentleman for not being present a moment ago and I can reciprocate the compliment. I suppose after the wonderful address he has just made, he is seeking the seclusion which the cabin grants and refreshing himself as he deserves to do. But he has given me such a splendid theme and opening I am disposed to cast aside the remarks I had prepared in rather a hurried manner for use at this time, and devote myself

to the remarkable speech of the gentleman from Mississippi. I am very sorry the gentleman is not here. He is such a devoted attendant on sessions of the House that it is with extreme regret I shall refer to him in his absence.

The gentleman from Mississippi [Mr. COLLIER] made one remark that I regarded as especially complimentary, namely, he said that I was a good fellow off the committee, but the meanest man in conference of the whole bunch. I appreciate those kind words from my friend Mr. COLLIER, because if I was a mean man in the conference it was because I was in direct opposition to the things that he was most interested in and anxious to secure from the conference, things contrary to the best interests, as I saw them, of the country and the whole Nation. He also said I was particularly solicitous for the interests of Massachusetts. That is why I was mean, in the judgment of the gentleman from Mississippi [Mr. COLLIER], and why I regard his remarks as most complimentary.

The gentleman from Mississippi was particularly anxious to introduce industries into my district.

Mr. COLLIER entered the House.

Mr. TREADWAY. I greet you, my friend, most cordially. I am glad the gentleman from Mississippi has returned to the floor.

I did not suppose there were in the first congressional district of Massachusetts anything like the number of industries which the gentleman gave me credit for, nor did I suppose the geography of the State was anything like the gentleman pictured it. The gentleman made a most eloquent address relative to Bunker Hill and saw me orating at its base and shaking its top with my powerful oratory, or words to that effect. At any rate, the gentleman was most complimentary.

Just as a matter of correction of geography, I might inform the gentleman from Mississippi that my home is about 175 miles from Bunker Hill, and while in Mississippi or in Texas or some of the other States 175 miles is not a very great distance, in our thickly populated sections of New England it is way beyond the confines of any one district, and therefore I must ask the gentleman not to confuse the western section of Massachusetts, of which I am so proud, with the extreme east.

Mr. COLLIER. Will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. COLLIER. Of course, I knew where the gentleman lived, but I did not know it was the custom to allow only people who lived in Boston to speak on the Fourth of July at Bunker Hill. I thought they had men from all over the State there.

Mr. TREADWAY. Well, I will accept that weak apology or weak excuse. It is good as far as it goes.

Mr. COLLIER. Of course, I admit the gentleman would have made a mighty good speech, because I have heard him make good ones here.

Mr. TREADWAY. One very interesting statement the gentleman made was about a set of carillon bells, the gentleman stating that many years ago I introduced a bill in the House admitting a carillon into this country free of duty for the use of a church in my district. I think he said a wealthy church, and I hope he did, because most of them are fairly well off. However, that was as far from the facts of the case as most of the rest of the statements he gave in his hour's speech. The only bill with which I had anything to do in connection with carillons in the Ways and Means Committee was one that the late lamented Senator Lodge first introduced in the Senate for a poor Portuguese church in the city of Gloucester, represented here so ably to-day by our colleague, Mr. ANDREW. No church having a carillon is located in my district. The only other carillon set of bells that I know of which were admitted free of duty was through a suspension of the rules, cleverly sneaked in by the former Democratic Senator from Rhode Island, Mr. Gerry, and now a candidate, I understand, to return to the Senate.

That bill got through under a suspension of the rules, and the Ways and Means Committee did not have a thing to do with it, and the committee was angry about it when it found out the kind of a trick our Democratic friend had performed. When the gentleman comes here and says he wants carillons admitted free of duty for churches, what is the situation? There has been a large tower built, a memorial tower, in Florida, by Mr. Bok, who recently died and is buried beneath it. He was one of the richest men in his day in the city of Philadelphia. A carillon of bells has been donated to the richest church on Park Avenue, New York, by Mr. Rockefeller. Those are the bells the gentleman from Mississippi would have admitted free of duty, when factories at home capable of making carillon bells stand idle. I submit the gentleman comes a long way from proving his case in relation to carillons, and I would add in passing that there is no factory which makes them in my district, even though the gentleman said there is. Let the bell makers of this country have the benefit of manufacturing carillons here and employ our citizens in their foundries, or else pay proper duties for importing carillons which are no better than the domestic product.

Another interesting item the gentleman touched on was cheap jewelry. He said I helped get a 10 per cent duty on diamonds and a 110 per cent rate on children's and costume jewelry, because that was made in my district. Well, friend COLLIER, the only factories I know of making costume jewelry are located in the district represented on this floor by our distinguished friend, Mr. MARTIN, who represents the city of Attleboro. So far as I know, cheap jewelry is made only in that neighborhood. The gentleman, however, would prefer to have the employees of those factories in Mr. MARTIN'S district idle and great loads of imitation pearls, cheap jewelry, and stones brought into this country from China. That is the difference between his position and mine.

Referring to the jewelry item, the only reason there is not a high duty on diamonds and other precious stones is that the Treasury Department asks that they be not taxed unduly in order to help the administrative features and in order to prevent the smuggling of stones into this country. It is not a question of revenue nor a question of competition.

We do not produce them and we acknowledge it, and we do not charge high rates of duty on precious stones in order that the administrative part of the customs department may be carried on.

So that is in line with the other errors made by the gentleman from Mississippi. I only noted a few of them. He made so many errors that I could not keep track of them as he went along. Most of the errors he made are exactly identical with his reference to Bunker Hill. He put the bunk into Bunker Hill in the speech he made a few moments ago.

There is one industry to which he referred that does do business in my district or wants to do business under a protective tariff. The gentleman speaks of cheap cotton blankets. The Senate added a provision of 14¼ cents per pound in addition to the 20 per cent ad valorem rate for cotton blankets. What is the history of that senatorial amendment, from which the House receded and accepted? Here is the story, and it comes direct from the concern to which the gentleman was referring as doing business in my district. I read from a letter recently received from the Springfield Blanket Co., of Holyoke, Mass.:

> From 1919 to 1922 there were imported into this country 307,000 pairs of blankets at $3.45 each. From 1923 to 1929 there were imported 6,746,564 blankets at 44 cents each. It is the 44-cent blanket which has made it impossible for our industry to compete, our cost for a comparable blanket being 77 cents each.

Then the gentleman from Mississippi pictured the poor people, the poor families, not being able to buy these cheap blankets, owing to our high rates of duty, another indication of ignorance on the part of my good friend from Mississippi. The blankets to which he refers, according to the letter from the manufacturer himself, are not used in any family home in this land. They are sold in lumber camps by the contractors getting out lumber in the Western States and similar sections. In no sense are they a family blanket used in our homes, and, if they were, let me say to the gentleman, and possibly some of them do drift into those homes—which is better, to let that blanket come in here at 44 cents from Germany, for home consumption, and meaning the unemployment of our people, or have our industries prospering at home, giving employment at good wages and the ability to buy the blanket at 77 cents with our home label on it?

This is a question that can be answered by every man supporting this conference report and voting for its adoption during the next few days.

Mr. COLLIER. Will my friend from Massachusetts yield?

Mr. TREADWAY. Certainly.

Mr. COLLIER. Of course, I can understand how the gentleman from Massachusetts would feel that it would not matter what the price of a blanket was to the poor devil who is working in a lumber camp; but what I want to bring out and what I want the House to know is that it is just a question of where we get our facts. I got my statements and my figures from the Tariff Commission, while the gentleman said he got his from letters of the manufacturers.

Mr. TREADWAY. And the manufacturer supplies the information that the Tariff Commission uses in every instance. That is where the Tariff Commission gets its information—from the producer back home. We go to the source for our information, the practical person, manufacturing the goods, who provides the information on which the Tariff Commission bases the information it hands out to us.

The gentleman was particularly complimentary of me in relation to my defense of the industries in New England, and, as I have already said, he very widely spread the geography both of my district and of my State; but did he tell you anything about long-staple cotton, gentlemen?

Let me add to the story he did not tell on that subject. We had long consideration of the subject of a duty on long-staple cotton which the Senate had added. I am free to say that not one of the majority members of the House conferees wanted a duty on long-staple cotton, and if it had not been for one of the majority on the Senate side they would not have gotten it. Now, I am going to make a little confession about what happened behind the closed doors of the conference room, because at the very beginning of the conference it was announced that everything we did must be made public. I personally believed in these meetings being executive until we had something to bring back to the House and to the Senate as a result of our work, and then explaining it in full, and not doing it piecemeal as has been done under the circumstances of this conference. Here is what happened with respect to long-staple cotton, my friends: We happen to have on our conference two members of the minority from Mississippi, one the eloquent gentleman who preceded me [Mr. COLLIER], and the other the dignified and excellent Democratic Senator—I say "excellent" advisedly, because as a Democratic Senator he is excellent—the Hon. Senator PAT HARRISON, as we all know him and love him—two conferees from Mississippi, understand.

Last year the total production of long-staple cotton in this country was 660,526 bales. Where did it come from? Mississippi provided 386,000 bales of this total amount. The next largest source of production was Arkansas, with 90,000 bales, and so on down the list. Mississippi produced four times as much long-staple cotton as any other State in the Union. And what happened? The Senator from Mississippi, backed by his colleague, the House Member from Mississippi, sat back in the harness there and said, "No more conference unless you give us a duty on long-staple cotton." [Laughter and applause.] This is exactly what the gentlemen from Mississippi did. They positively refused to allow the conference to proceed unless we yielded and granted a 7-cent duty on long-staple cotton, of which there is four times as much grown in the State of Mississippi as in any other State of the Union.

Was my good friend COLLIER defending the interests of his own State at that time? It looked to me as though he was, friends. The State of Mississippi produces 58.45 per cent of the total production of long-staple cotton raised in this country. More than half is produced in the State of the gentlemen from Mississippi, who refused to allow the conference to proceed unless they got a duty on this article which is used so extensively in our New England mills.

I insert here a list of the States growing long-staple cotton and the quantities of such cotton produced in each of these States:

Long-staple cotton

States:	Bales
Mississippi	386,061
Arkansas	90,356
Texas	35,572
South Carolina	35,491
Louisiana	35,456
Arizona	32,229
Oklahoma	12,372
California	10,772
North Carolina	7,616
New Mexico	5,652
Missouri	2,118
Tennessee	2,082
Georgia	2,039
Alabama	714
Florida	137
All other	1,859
Total	660,526

Mississippi=58.45 per cent of total.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. SCHAFER of Wisconsin. Are they going to support the bill since they got the duty on their product?

Mr. TREADWAY. Why, that is the funny part of the whole thing, and I am pleased that the gentleman has asked me the question. Everything that came up in the conference for the States represented by this gentleman and his associates, particularly the Senator from North Carolina [Mr. SIMMONS], was done by them to write tariff rates in a bill that they did not intend to support themselves and have not supported and will not support.

Let me ask the gentleman from Mississippi, whether in view of the fact that long-staple cotton, of which you produce in your State four times as much as in any other State, is now well protected, are you going to vote for this bill?

Mr. COLLIER. No, sir; I am not.

Mr. TREADWAY. No; but you want the benefits of the bill for your own industry, do you not?

Mr. COLLIER. Well, I did not want New England to have everything in the bill.

Mr. TREADWAY. Yet the gentleman is not going to vote for the bill.

Mr. COLLIER. I did not want the New England manufacturers to have a tariff on their articles and not have a tariff on any of their raw materials.

Mr. TREADWAY. Some one has suggested here that the gentleman would vote for the bill if we needed his vote, but he would not. He would try to punch all the holes he could into the bill. He would try to get all the benefit he could for Mississippi cotton and then vote against his own interests.

Mr. COLLIER. You could put double the tariff on cotton that you now have and I would not vote for this bill.

Mr. TREADWAY. Now, one other thing, inasmuch as I am now referring to this sort of thing, one of the gentleman's Democratic associates, the honorable Senator from North Carolina, wanted to repeat our interesting apple-and-banana yarn. For two days we debated, fussed, and fumed whether we should have a duty on bamboo poles.

Has anybody here ever seen a bamboo pole grown in this country? You can not do it, but the gentleman from North Carolina, if he had had the votes, would have done what these two gentlemen from Mississippi did—tie up the conference in order to get a duty on bamboo poles to substitute for these bamboo poles a gum-tree pole on which our carpets are wrapped that go out to the country at large, and stick the gum or resin of those poles onto the carpets. [Laughter and applause.]

Mr. BYRNS. Will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. BYRNS. I would like to ask the gentleman a question as to the manner of procedure in the conference. I understand there were 10 members of the conference, 5 conferees from the House and 5 from the Senate. The gentleman has made the statement several times that the Senator from Mississippi and our colleague from Mississippi [Mr. COLLIER] refused to let the conferees proceed unless the conferees agreed to a tax on long-staple cotton.

Mr. TREADWAY. That is absolutely correct.

Mr. BYRNS. How could those two members control the conference when there were eight others?

Mr. TREADWAY. The gentleman has been on conference committees many times, and of course he knows that we vote by branches.

Mr. BYRNS. I understand.

Mr. TREADWAY. Therefore there are five on a side. The Senator from California, a State where they raise 10,000 bales of long-staple cotton, as against 386,000 in Mississippi, was advocating a duty on long-staple cotton.

Now, the gentleman from Tennessee has asked a question which I think is likely to embarrass him rather than me. I will tell the gentleman a little of the inside of our conference. The Senator from California [Mr. SHORTRIDGE] was very insistent on a duty on long-staple cotton. He combined with the two Senators on the Democratic side, Mr. SIMMONS and Mr. HARRISON, neither of whom will vote for the bill, and they admit that they will not, and held up the Senate conferees, following which the Senator from Mississippi sat back in the harness like a balky horse and refused to go ahead until he had his way.

He said the conference is through; I am going back on the floor of the Senate and tell them that the conference is through; I am going to explain everything that has been done up to this time. There will be no more business done in the Senate and there will be no more done in conference until we get what we want for Mississippi.

Mr. BYRNS. And the conferees yielded?

Mr. TREADWAY. What else could we do? The three Republicans, Mr. HAWLEY, Mr. BACHARACH, and I did not want to break up the conference.

Mr. BYRNS. And the gentleman from Massachusetts seriously says that this Democratic Senator and our colleague controlled the conference?

Mr. TREADWAY. And I reiterate it.

Mr. GREEN. Will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. GREEN. In relation to bamboo poles. We have the stock bamboo and the junior bamboo poles for fishing.

Mr. TREADWAY. Oh, yes; I believe in fishing; but you do not raise any poles with resin in them to wind carpets on.

Mr. GREEN. No; but we raise these poles for fishing.

Mr. TREADWAY. Now, the gentleman from Mississippi said something about the duty on steam turbines. We had only one steam turbine imported in the last year. Do you know how

much that steam turbine used by the electric company in New York City—the New York Edison Co.—cost? One million one hundred thousand dollars, and the lowest bid in this country was $1,600,000. Which would be better—to have employed American labor in building that steam turbine, used for supplying electric power at the Hellgate plant in New York City and paying out in wages the better end of that million and a half dollars, or letting those workmen be idle and importing a steam turbine at a saving of $500,000?

I shall insert in my remarks under permission granted me what that holdup of the conference by the two gentlemen from Mississippi will cost the American users of cotton. Long-staple cotton, such as is imported from Egypt, is not raised in this country. The kind of long-staple cotton that would be usable to-day in this country was long since killed by the boll weevil down on the coast of Georgia and South Carolina. It was known as sea-island cotton. Therefore, every bit of long-staple cotton brought into this country at the 7 cents per pound rate of duty put into this bill by the holdup process which I have accurately and truthfully described, will be just that much of a gift to those people who do not raise a competitive article in this country, and will add that much to the cost of the products where long-staple cotton is used.

Mr. HASTINGS. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. HASTINGS. Does the gentleman state that we raise no long-staple cotton that is 1⅛ inches in length?

Mr. TREADWAY. No; I did not say that. I said that we did not raise the kind of cotton that our manufacturers must use of the long-staple variety. I have that on the authority of the thread makers, on the authority of the tire makers and other lines of business that must use one particular kind of cotton which can not be raised now, namely, the sea-island cotton, and, therefore, they import it from Egypt.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. COLLIER. Simply to make one statement. The statement came out in the hearings last year that during the war when the importations of Egyptian cotton could not come into this country for three years, the American manufacturers made the same articles that the gentleman is talking about out of American cotton.

Mr. TREADWAY. The total importation of cotton of 1⅛-inch staple and over in the year 1928–29 was 315,225 bales of 500 pounds each, valued at $44,831,772. The duty at 7 cents per pound, calculated by the experts of the Tariff Commission, would be $11,032,875. The total production of 1⅛-inch cotton in the United States during the same period was 660,526 bales. Adding these together, we get a total importation and production of 975,751 bales.

Estimating at 5 cents per pound the probable increase in price of the domestic long-staple cotton, by reason of the 7-cent duty placed on the importations, we get an increase in the price of the domestic production of $16,613,150, which, added to the duty on the foreign cotton, increases the cost of long-staple cotton to the users in this country by not less than $27,645,000.

As the State of Mississippi, represented so ably by my colleague on the conference, Mr. COLLIER, and in the Senate by Senator HARRISON, raises more than one-half of the domestic crop of long-staple cotton, or 386,061 bales, the users of long-staple cotton are contributing to the cotton growers of that State not less than $9,651,200 per annum, and still the gentleman from Mississippi boasts that he will not vote for the bill.

In addition, the compensatory duty placed in the bill against the long-staple content of imported fabrics will, according to the estimates of the Tariff Commission, amount to $1,438,117, which is an additional burden to the users of cotton fabrics levied in order to pay this tribute to Mississippi and other States represented here by men opposed to the bill.

I want now to touch on another item, and that is the schedule of percentages of increases in the rates. The gentleman from Mississippi particularly spoke about tobacco, and the 5-cent cigar. He again complimented me when he said that the kind of tobacco that gets $2.27½ a pound was raised in only a few towns in my district.

I wish my district were as extensive as is the State of Connecticut, a portion of Massachusetts, a large section of Pennsylvania, and practically the whole of Florida, because that is where that type of tobacco is raised, and that is one of the reasons why you will see the gentlemen from Florida and the lady from Florida voting for this bill when the time comes. They are not going to desert their local people the way the gentleman from Mississippi will on the long-staple cotton matter. The raise in tobacco rates is from 63.09 to 64.78, an increase of 1.75 per cent, and the gentleman has the audacity to tell this House that that increase applies only to the one type of tobacco to which he refers and that it is going to put out of business the 5-cent cigar. He made another incorrect statement when he said that is the kind of cigar that he smokes. Perhaps he does, but I have never seen him smoke anything but cheap cigarettes when he sits next to me in committee. I get the benefit of the cigar smoke from the chairman's cigar and Mr. COLLIER's cigarette smoke from his cigarette when they sit down one on each side of me.

I am surprised that my friend did not bring up the subject of hides, leather, and shoes and put all the shoe factories of Massachusetts in the first congressional district. However, there are many shoe factories in Massachusetts, and I was glad to be able to assist them in securing a fair duty on their finished product. In doing so the producers of the hides and the tanners of leather were not overlooked. The House paragraphs on these shoes were adopted in conference, and will prove beneficial to this very important industry, now badly handicapped by importations from Czechoslovakia. Let me add that appreciation for this duty will, I am confident, be shown by the vote which the Democratic Representative from the shoe section, my friend and colleague, Mr. CONNERY, will cast in favor of the bill. Evidently he has a better conception of appreciation for benefits that may accrue to the peoplel he represents by voting for the bill with a tariff on shoes than has the gentleman from Mississippi, who boasts that he will not vote for the bill even though long-staple cotton is properly protected.

The increase on agricultural products is from 22.39 to 34.99 per cent. We agreed to increase agricultural tariff rates, and that is exactly what we have done under that schedule. Wool shows one of the largest increases—from 49.54 per cent to 59.83 per cent—an increase of 10 per cent. What section does that increase benefit? The gentleman from Mississippi told you it is for the benefit of the manufacturer in New England. On the contrary, practically the whole of it is the 3 cents specific rate that we added to the duty on raw wool raised in the West—an agricultural project. And so I can go through this schedule prepared by the Tariff Commission of the difference in rates on the various schedules and find that four-fifths and probably more of the entire increase is for the benefit of agriculture in accordance with the promises of the Republican Party and the addresses and pledges of President Hoover. We are going to support and defend and vote for the conference report, even without the support of the gentleman from Mississippi and his colleague, who are great beneficiaries under the bill. [Applause on the Republican side.]

I attach hereto a summary prepared by the Tariff Commission showing a comparison, by schedules, of actual or computed ad valorem rates under the act of 1922 and under H. R. 2667 as passed by the House, as passed by the Senate, and as reported by the conference committee:

Ad valorem rates under act of 1922 and H. R. 2667

Schedule No.	Title	Actual or computed ad valorem rate				
		Act of 1922	H. R. 2667			
			As passed by the House of Representatives	As passed by the Senate	As reported by the conference committee	
					With open items at House rates	With open items at Senate rates
		Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*
1	Chemicals, oils, and paints	28.92	31.82	30.95	31.07	31.07
2	Earths, earthenware, and glassware	45.52	54.87	52.95	53.77	53.45
3	Metals and manufactures of	33.71	36.34	32.35	34.95	34.95
4	Wood and manufactures of	15.84	25.34	15.65	25.39	15.65
5	Sugar, molasses, and manufactures of	67.85	92.36	77.15	92.22	77.21
6	Tobacco and manufactures of	63.09	66.96	63.09	64.78	64.78
7	Agricultural products and provisions	22.29	33.37	35.81	34.99	34.99
8	Spirits, wines, and other beverages	36.48	47.44	47.44	47.44	47.44
9	Manufactures of cotton	40.27	43.19	40.72	46.42	46.42
10	Flax, hemp, jute, and manufactures of	18.16	19.03	18.95	19.14	19.14
11	Wool and manufactures of	49.54	58.09	57.38	59.83	59.83
12	Manufactures of silk	56.56	60.17	58.03	59.13	59.13
13	Manufactures of rayon	52.68	53.42	49.14	53.62	53.62
14	Papers and books	24.51	26.14	25.91	25.94	25.94
15	Sundries	20.98	28.63	20.06	26.54	26.54
	Average for all schedules	34.59	43.16	38.97	42.93	40.97

Mr. COLLIER. Mr. Speaker, I yield 35 minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to attach to my speech some explanatory tables of the bill. I believe they will be very informative and illuminating to the House as to the character of this conference report.

The SPEAKER pro tempore (Mr. LEAVITT). Without objection, it is so ordered.

Mr. CRISP. Mr. Speaker, I was requested by the minority leader to define his position relative to this bill. Sickness prevents him from being present in person. Mr. GARNER, if present, would vote against the conference report. Mr. GARNER would vote for the 2-cent rate on sugar. He would vote for the 6-cent rate on cement, and he would vote in favor of the Blease amendment letting cement in free for public purposes. He would vote for the House provision against a tariff on lumber and he would vote against a tariff on silver. He would vote for free shingles and would support the debenture and the flexible provision put on by the Senate.

I have been associated with this House, both as a boy and as a Member for 28 years, and I think to-day that we witness the most remarkable spectacle I have ever seen in my life. We are called upon to vote on a bill which it is estimated will tax the American people $1,000,000,000 in addition to what they already pay. The mere words "a billion dollars" do not carry the magnitude of the amount. Let me give you this illustration: There have been only 1,000,000,000 and about 20,000,000 minutes since the birth of Christ. Therefore this bill adds to the burden of the American people an amount equal practically to $1 for every minute that has elapsed since the birth of Christ. Notwithstanding that, what do we behold? The chairman of the committee did not offer to explain the bill, he offered no excuse for it, he gave you no information regarding it. It could not be defended and he was wise enough to keep silent. The only other man who had anything to say is the gentleman from Massachusetts [Mr. TREADWAY]. He discussed Bunker Hill and the geography of Massachusetts, but illuminated the bill in no way whatever. It is remarkable. The only excuse that I can see is that they could not defend it, and they thought it the part of wisdom to keep silent.

I am going to endeavor to discuss this bill, and may I say at the very beginning that I favor tariff duties levied in sufficient amount to furnish reasonable protection for American products, and to equalize the difference in cost of production here and abroad, and if a tariff bill is written on that basis it protects the American manufacturers.

If they are given a duty sufficient to equalize the difference in cost of production, to maintain their standards of wages in this country—and I favor their maintaining them—if, under these conditions, they can not compete in their own country against foreign competition, they are not entitled to continue in business. And if labor receives protection to an amount equal to the difference in the cost of production at home and abroad, which means the present American standard of wages, labor is given the full protection that labor has the right to ask; and a bill written on that formula protects American industry, protects labor, and protects the consumer by giving a competitive market, and prevents monopoly that can extract the last cent on the necessities of life.

I had hoped that a bill would be written on that formula, for I was anxious to support such a bill. But this bill is not written on that formula. This bill is protection run mad, protection carried to an absurdity. The bill is intended to create—or if not intended will create—monopolies and trusts that will crush an already burdened consuming public under added cost of the necessities of life. It in no wise squares with the formula I have outlined, and, of course, I am not going to support it.

Now, I am aware, of course, that I am talking to deaf ears here in what I am going to say, but I do hope that the business people of this country will give some thought to the poor words that I am now going to utter. This tariff bill, in my judgment, is fraught with great danger to the happiness and prosperity of this country, and it is liable to cause economic and agricultural chaos. I do not believe 10 per cent of the Members of this House in their hearts favor this bill. I believe I could sit down with 50 or 75 per cent of my Republican colleagues and write a tariff bill that we could all support.

This bill is the product of six men, as I am going to show later, and you gentlemen who support it are simply rubber-stamping their acts. You, as individuals, do business with your friends, or with the man who does business with you; you do not do business with your enemies. Nations are but aggregations of individuals, and they are influenced by that same principle. You can make your tariff laws so high that foreign countries can not sell you anything; and they will not buy from you anything that they can buy elsewhere.

What would become of agriculture if it could not sell abroad its surplus products, cotton, wheat, and manufactured goods? What would become of your industries if they could not sell their surplus, as, with their high speed in mass production, they all produce a surplus? If they had not a foreign market, what would they do? They would shut down or run on short time, and put thousands and thousands of American workmen out of employment.

Gentlemen, do you know that 36 nations of the world have protested this tariff bill and are threatening to put into effect reprisal tariffs? And you can not blame them. The following nations have officially protested to our State Department:

Austria; Belgium; Czechoslovak Republic; Denmark; Dominican Republic; France; Great Britain: Australia, Bahamas, Bermuda, India, Scotland, West Indian Colonies; Greece; Guatemala; Honduras; Irish Free State; Italy; Japan; Mexico; the Netherlands; Norway; Paraguay; Persia; Rumania; Spain; Sweden; Switzerland; Turkey; Uruguay; Union of South Africa; Germany; Canada; Egypt; Finland; and Hungary.

For the last six weeks 28 of the leading nations of the world have been holding conferences in Geneva to arrange an economical trade agreement to boycott American imports in retaliation for the high tariff rates proposed in this bill.

Foreign governments owe the United States, due to the World War debts, $22,000,000,000. How are they going to pay it? There are only four or five ways to transmit credits. One way is by shipments of gold, but they have no gold. Another way is by sale of securities; they have not our securities. Still another way is by exchange of goods. This bill is seeking to stop every crevice in your tariff wall to keep out goods. Another way is by personal service of the nationals making remittances to their home country. We have stopped that by our immigration laws. Still another is through tourists, and that is about the only way, when this bill goes into effect, that foreign nations will have means of transferring credits to purchase our goods.

Is not that a foolish and unwise economic policy for the United States to pursue? It is worthy of being seriously pondered and considered by the beneficiaries of this high protective tariff.

Let me remind you of a boyhood adage: "You can kill the goose that lays the golden egg." They have gone mad after high tariffs. They have written the highest tariff bill ever written in the history of any country. It is designed to stop all importations. And when you stop them, you need not be surprised if you find that foreign nations will not buy our goods.

Mr. Marvin, of the Tariff Commission, in a letter dated April 9, 1930, states that 33⅓ per cent of all our importations for consumption in 1928 were of commodities not produced in continental United States. These imports consisted of raw silk, coffee, rubber, cocoa beans, carpet wool, nitrate of soda, bananas, tea, coconut oil, copra, spices, varnish gums and resins, jute and jute butts, coconut meat, crude chicle, vegetable fibers not including cotton, emeralds, and diamonds. Mr. Marvin further states that only 30 per cent of our imports in 1928 were finished manufactured goods. The further astounding statement is made by him that, including all articles used in the United States not raised here, together with all items on the free list, only 4.75 per cent of the goods consumed in the United States were imported in 1927. Eliminating goods not grown or manufactured in the United States, our total imports from all foreign nations of the world are only about 3 per cent of the consumption of goods in the United States. Surely this negligible importation under the present high tariff law should satisfy the avarice and greed of our manufacturers.

Now most of our imports are all of commodities that we do not raise or manufacture. Therefore they have to come in, for the American public must have them.

It is interesting to note, gentlemen—and I am talking seriously; I am only talking with the hope that the country will ponder this suggestion—a report from the Department of Commerce, dated April 16, 1930: Exports decreased $285,000,000 in the first three months of this year, compared with the first three months of last year. Imports decreased $229,000,000 in the first three months of this year as compared with the first three months of last year.

That is a total decrease in value of foreign trade in the last three months of $515,310,000. At that rate the decrease of foreign trade in 12 months would be $2,000,000,000. My friends, you are already beginning to feel the effect of the contemplated enactment of this outrageous, unconscionable, inequitably high tariff law. [Applause.]

Now think about it. How was the bill drawn? I want the country to know how this bill was drawn. Fifteen Republican

Members sat behind closed doors, drafted a bill, brought it in here, passed it through the House under the gag rule, and it went to the Senate. The Senate Finance Committee Republicans pursued the same course there. They reported it to the Senate. They had liberal debate in the Senate. Many amendments were adopted. It came back here with 1,253 amendments, and, under the gag rule, was put in conference. Up to to-day the Members of this House have had no opportunity to express their views on any of the rates in this bill, and you will be permitted to express them only on the few things that are in disagreement.

Ladies and gentlemen of the House, all of the hearings and preliminary actions by the committees and the House and Senate were simply a barrage, preparing the way for action by six Members of Congress, three Senators and three Members of the House. All of the other was a smoke screen. Not a Democrat was permitted to sit in committee, notwithstanding a representative of the Connecticut Manufacturers' Association sat in with them behind closed doors. [Applause.]

But, when all of this barrage was over and the "six guardsmen" met for action, action followed. I want to refer to one thing that the gentleman from Massachusetts [Mr. TREADWAY] said. The country does not know it. In conference each conferee does not have a vote, so far as being influential in conference is concerned. In conference each House of Congress has one vote, and a majority of the conferees can control the vote of that House. The gentleman from Massachusetts [Mr. TREADWAY] talked about what happened in conference. I was not there, but I know this to be the fact: That on one schedule—the tobacco schedule—7 conferees of the 10 wanted to adopt a lower rate. The five Senate conferees were unanimous for a lower rate. The 2 minority Members of the House were for a lower rate, making 7 to 3, but the 3 Republican conferees of the House who had the vote of the House in their hands refused to yield, and finally the Senate yielded. It is paying too much honor to two minority Members of the conference to say that they could break up a conference. Anybody with an ounce of sense knows that in the conference the three Republican Senators and the three Republican House conferees control the votes of their respective Houses; they can confer as long as they want to, they can bring in a report, and this report is brought in with those six gentlemen signing it and not a minority man having approved it.

Mr. COLLIER. Will the gentleman yield?

Mr. CRISP. I yield.

Mr. COLLIER. I want to say in regard to that particular item, and I hope I am not divulging any confidences, that for 4 or 5 days it was 9 to 1 instead of 7 to 3.

Mr. CRISP. Then what followed. After those six gentlemen had written the bill, under the ordinary parliamentary procedure, this report should first be considered in the Senate. What happened? There was a White House breakfast. The leaders of the Republicans conferred with the President as to which body should act first. They knew that under the rules it should come up in the Senate. The House is pliant to the will of the powers that be; very subservient.

Therefore an unprecedented thing was agreed to, that the Senate should turn the papers over to the House and the House should act, and you are here to carry out that decree.

The President called Congress in extra session for two purposes: First, to pass farm legislation, and, second, for limited revision of the tariff, so as to equalize tariff benefits to agriculture with those to industry.

We have passed a farm bill, and to-day farm products are selling lower than they have sold in 10 years. Under the excuse of giving agriculture a parity with industry in tariff matters this bill was prepared. I grant you that you have higher rates on agricultural products in this bill than were in any bill which ever passed or was written, but they are a joke, and you gentlemen know it. You know a tariff is ineffective on a commodity where you have a large exportable surplus, which is the case with nearly all of the agricultural products. Agriculture was simply used to boost industrial rates that are effective. As evidence of that fact, wheat, one of our basic commodities, depressed, selling lower than ever before, under the existing law has a tariff of 42 cents. They did not attempt to raise that tariff at all. They knew 42 cents would do no good. They knew a dollar would do no good. They did not raise it. The same with cotton and other things. But there are in both branches of Congress some men who are interested in agriculture, and they do want agriculture to get at least one-half of the benefits of the tariff given them under the rates in the agricultural schedule. Therefore they proposed the debenture scheme, which simply makes effective not the whole rate in the agricultural schedule, but only 50 per cent of it. I have no doubt the "six musketeers" who wrote the bill laughed in their sleeves when the debenture was adopted by the Senate, knowing they were going to have it eliminated and leave the farmers high and dry and that they would receive no benefit on account of the increased rates. Not one of the six conferees will vote for the debenture.

Gentlemen, for every dollar of benefit that the farmer will receive from this increased rate on his products he will pay ten or fifteen dollars more to the industries for the essentials which he has to buy.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. CRISP. I yield.

Mr. BRAND of Georgia. The gentleman has not stated the names of those six gentlemen. Would it be agreeable to the gentleman to let the RECORD show their names?

Mr. CRISP. I never indulge in personalities. The conference report shows who they are.

Mr. BRAND of Georgia. If the gentleman will yield, your constituents and the people throughout the United States want to know whom you are talking about. Few of them will ever see its conference report.

Mr. CRISP. I will name them. They are Senator SMOOT, Senator WATSON, Senator SHORTRIDGE, Mr. HAWLEY, Mr. TREADWAY, and Mr. BACHARACH.

Mr. BRAND of Georgia. Now the country will know who these "six musketeers" are.

Mr. CRISP. Now, ladies and gentlemen, how limited is this tariff provision? I challenge any Republican to name a single item in the present Fordney-McCumber law that is not included in this bill. I grant you that some of the rates are the same as in the Fordney bill. There may be a few of the rates that are lower but they are as scarce as the proverbial hen's teeth.

But every one of them is dealt with, and the Tariff Commission has furnished a statement showing that every single schedule, except the schedule dealing with wood, is greatly increased over the act of 1922, and the difference in the wood schedule is a fraction of 1 per cent lower, but every other one is higher.

In this conference report which you are going to vote on the rates on the manufactures of cotton, the manufactures of flax, hemp, jute, and wool, and the manufactures of rayon are higher than the rates in the existing law, higher than the rates in the House bill, higher than the rates in the Senate bill, and higher than the rates in any bill ever enacted in the history of our country; that is, the average is higher.

The way in which it was done was that the conferees would take the highest rating of the item, whether it was proposed by the Senate or the House, and when you add them up the average of the schedule is higher than the rates proposed by either body, and the sum total is that the average is higher than in the bill as it passed the House or Senate. That is your limited tariff revision. Many thousand items in the present law are greatly increased and that is your so-called farmers' bill. In this farmers' bill for the first time they have taken hoes, forks, and rakes, which have heretofore been on the free list, and put on a 30 per cent ad valorem duty. They have increased the tariff on shoes, harness, and everything else the farmers use. The farmers are just simply being buncoed.

Now, gentlemen, let me call your attention to a few of the schedules. You take cotton blankets. Under the existing law the duty is 25 per cent. In this bill it is increased to 52.20 per cent. Only 1 per cent of our production is imported and our exports are three times as much, yet the duty is doubled. Take wool blankets. The present rate is 61; it is increased to 67. The average importation of wool blankets amounts to $480,000 out of a production of $27,000,000. Take cloths and other heavyweight fabrics of wool, in the 1922 act 70 per cent, and in this bill 84 per cent. We produce $516,000,000 worth of these worsteds and the importations amount to $17,000,000, yet an 84 per cent tariff is placed on them. Gloves. Thirty-four million pairs of men's gloves are produced in this country; we import 90,000, one-fourth of 1 per cent of our consumption, and they have raised the tariff on them to $6 a dozen. Cotton shirts. We produce about $240,000,000 worth; we import $61,000 worth and export to the amount of $2,000,000. They have increased the tariff from 35 to 45 per cent. Linoleums, which the Tariff Commission says we sell to 50 nations in the world, they have raised the tariff from 35 per cent to 42 per cent. Our production is $42,000,000, our imports last year $785,000, and our exports $1,173,000. Slate, used for roofing and by school children. Our production, $11,000,000, imports $44,000, exports $417,000. They have increased the tariff from 15 to 25 per cent.

Steam turbines. Mr. COLLIER has referred to them and stated that only one has been imported for a number of years, yet they increase the tariff from 15 per cent to 20 per cent. Umbrellas and parasols: Production, $23,000,000; imports, $152,000; exports, $185,000, and they have increased the tariff. Mr. COLLIER has re-

ferred to jewelry, and I will not refer to it again. Manufactures of base metals: They have increased the tariff from 40 per cent to 45 per cent. Our imports were $9,000,000, our exports $85,000,000, and our production $4,000,000,000, the exports being nearly ten times the amount of the imports, and the imports being only 2 per cent of the production; yet they have increased the tariff. Mechanical machinery and apparatus: Production, $1,392,000,000; imports, $1,770,000; exports, $68,000,000, the imports being about one-tenth of 1 per cent; and yet they have increased the tariff to 35 per cent from 30 per cent. Textile machinery: Production, $93,000,000; imports, $4,000,000; exports, $6,000,000; and they have increased the tariff, although the imports are less than 3 per cent, and the Tariff Commission says that some of the textile machines which come into the country from foreign countries are sold at a higher price than the American-made machines, and yet they increase the tariff. Take clothespins. They have increased the tariff from 90 per cent to 121 per cent, and the imports have dropped from 1924, when they were $19,000, to $10,000 in 1929. Notwithstanding that, they have raised the rate to 121 per cent. This is a true picture of the so-called limited tariff revision. It could not have been more general.

The average rate for all schedules in the present law is 34.59 per cent, whereas in the pending bill it is increased to 40.97 per cent.

Now, gentlemen, under this bill there will be an increase in sugar that will cost the American people, even if we accept the 2-cent rate, $32,000,000 in addition to the $216,000,000 they are now paying. The tariff on hides and shoes will cost the farmers and the American people, it is estimated, $250,000,000. The differential for manufacturers of shoes is two or three times as high as a proper differential would be on a 10 per cent duty on hides.

It is proposed to add an additional burden by increasing the duty on cement. They will make an attempt to put a tariff on lumber, which is used by the farmers and the poor people of the country for building homes. The whole scheme is to tax, tax, tax, and keep out any foreign goods from this Nation.

The President called Congress together for a limited tariff revision. I say, with all sincerity and with the highest respect, that the President of the United States can not keep faith with the American people and sign this tariff bill. [Applause.] But what did the framers of this bill care for the consuming public? Nothing. The only use they have for them is to be drawers of water, hewers of wood, and to pay out of their hard-earned stipend, earned by the sweat of their brow, tribute to the favored few, the beneficiaries of this law. [Applause.]

There was one provision in this bill designed to look after the consumers. That was the provision for a consumers' counsel, a consumers' lawyer, to represent the consumers before the Tariff Commission when the flexible provision was being dealt with. It is eliminated. Senator NORRIS, of Nebraska, had a splendid amendment adopted, known as the Norris antimonopoly amendment. It provided that if the Customs Court found that any American company was a monopoly and was charging monopolistic prices, upon that fact being proved in the Customs Court, the comparable merchandise which they produced was to be admitted free, in order to prevent monopoly.

This went by the board because the "six musketeers" who wrote this bill cared nothing for the consumers. This is the history of the bill.

I happened to pick up yesterday the Scripps-Howard paper, the News, and I was very much impressed with one of its editorials. It is entitled "Maybe You Like Beans," and is as follows:

When the Irish were too poor to afford anything else to eat, they always could live on potatoes. Some Americans are like that. Quite a few Americans are like that since unemployment set in.

But they had better fill up on potatoes while they can. Pretty soon they won't be able to buy potatoes—not if the Grundy billion dollar tariff bill passes. The potato tariff will be raised 50 per cent.

The people with little money for food then can go on a bean diet. Beans always have been cheap. That is why they are fed to section hands and soldiers. Beans for breakfast, beans for dinner, beans for supper.

Not much of a meal—beans. But you can live on them, if you have to.

And if you can get them.

The Grundy bill almost doubles the rate on beans.

Well, if a poor family can not afford to buy potatoes or beans, what can it live on?

Doubtless the tariff makers will have a chance to answer when the voters tighten up their belts and start for the polls in November.

Now, I would not be so unkind as to intimate that the "six musketeers" who drew this bill desired the American people to live on the articles I am going to mention, but I could not refrain from calling attention to the editorial of the News, the paper that is standing up for the rights of the American consuming public, and to the fact that these "six musketeers" have on the free list the following:

Dried blood; bone; cuttlefish bone; fishskin, raw or salted; fossils; grasses; horses and mules imported for immediate slaughter; leeches, intestines, truffles; worm gut; and impure tea. [Laughter and applause.]

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. COLLIER. Mr. Speaker, I yield the balance of the time allotted to me to the gentleman from Georgia.

Mr. CRISP. Gentlemen, I have about concluded. I do not want to take all the time remaining.

Mr. LAGUARDIA. Will the gentleman yield before he concludes?

Mr. CRISP. Yes.

Mr. LAGUARDIA. Under the parliamentary situation is there any way we can get a vote—not on the Senate sugar rate or the House sugar rate, but on the present sugar rate?

Mr. CRISP. I think not.

Mr. LAGUARDIA. I was afraid not.

Mr. CRISP. It is my understanding that under the parliamentary situation the rate must be between 2 and 2.40.

Mr. LAGUARDIA. Which means the use of saccharine for the masses of the cities.

Mr. CRISP. Gentlemen, I have about concluded. Regrettable as it is, it is true that predatory wealth, the large captains of industry, the large corporations, through lobbies or otherwise, are completely dominating legislation. The result is, the rich are becoming richer, the poor poorer. God grant that this travesty upon popular government in a free, intelligent, enlightened country shall soon cease, and hasten the day when the Jeffersonian doctrine of equal rights to all and special privileges to none shall be enacted on the statute books of this country and practiced throughout its domain. [Applause.]

I reserve the balance of the time, Mr. Speaker.

Under leave specifically granted me to extend my remarks, I attach hereto statement prepared by the Tariff Commission showing the average rate of duty on the various schedules in the present tariff law, as the pending bill passed the House, as it passed the Senate, and the rate agreed to in conference, which the House will to-day vote to enact into law; also informative statements as to the rates in the act of 1922, as the bill passed the House, passed the Senate Finance Committee, the Senate, and the rate agreed to in conference. These statements were prepared by the efficient clerk to the minority members of the Ways and Means Committee—Mr. Price. The statements are most instructive and shed full light on the conference report on the pending Hawley-Smoot bill.

SUMMARY

Comparison, by schedules, of actual or computed ad valorem rates under the act of 1922 and H. R. 2667 as passed by the House of Representatives, as passed by the Senate, and as reported by the conference committee

Schedule No.	Title	Actual or computed ad valorem rate				
			H. R. 2667			
		Act of 1922	As passed by the House of Representatives	As passed by the Senate	As reported by the conference committee	
					With open items at House rates	With open items at Senate rates
		Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*
1	Chemicals, oils and paints	28.92	31.82	30.95	----	31.07
2	Earths, earthenware, and glassware	45.52	54.87	52.95	53.77	53.45
3	Metals and manufactures of	33.71	36.34	32.35	----	34.95
4	Wood and manufactures of	15.84	25.34	15.65	25.39	15.65
5	Sugar, molasses, and manufactures of	67.85	92.36	77.15	92.22	77.21
6	Tobacco and manufactures of	63.09	66.96	63.09	----	64.78
7	Agricultural products and provisions [1]	22.29	33.37	35.81	----	34.99

[1] Data upon the imports of cattle, amounting to about $20,000,000 in 1928, are not included in this tabulation because rates of duty upon the different weight brackets can not be applied to the statistics of imports. The estimated ad valorem equivalent duty upon cattle is approximately the same as for the agricultural schedule as a whole; therefore the results would not be substantially different if the data on cattle were included in the tabulation.

Comparison, by schedules, of actual or computed ad valorem rates under the act of 1922, etc.—Continued

Schedule No.	Title	Actual or computed ad valorem rate				
			H. R. 2667			
		Act of 1922	As passed by the House of Representatives	As passed by the Senate	As reported by the conference committee	
					With open items at House rates	With open items at Senate rates
		Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cen*
8	Spirits, wines, and other beverages	36.48	47.44	47.44	-------	47.44
9	Manufactures of cotton	40.27	43.19	40.72	-------	46.42
10	Flax, hemp, jute, and manufactures of	18.16	19.03	18.95	-------	19.14
11	Wool and manufactures of	49.54	58.09	57.38	-------	59.83
12	Manufactures of silk	56.56	60.17	58.03	-------	59.13
13	Manufactures of rayon	52.68	53.42	49.14	-------	53.62
14	Papers and books	24.51	26.14	25.91	-------	25.94
15	Sundries	20.98	28.63	20.06	-------	26.54
	Average for all schedules	34.59	43.16	38.97	42.93	40.97

Imports of cotton having a staple of 1⅛ inches or more in length, estimated at more than $30,000,000 in 1928, are not included in the tabulation because statistics of imports of this length of staple are not separately reported. The ad valorem equivalent of a duty of 7 cents per pound on this cotton is estimated at about 24 per cent ad valorem. If cotton were included in the tabulation the ad valorem equivalent duties for the agricultural schedule under the present act, and under H. R. 2667 as passed by the House, by the Senate, and as agreed to in conference, would be 19.98, 29.91, 34.59, and 33.86 per cent, respectively. The ad valorem equivalent rates for the average of all schedules would be 33.88, 42.28, 38.66, 42.54 (conference rates with open items at House rates), and 40.63 (conference rates with open items at Senate rates).

567. BLANKETS, COTTON

Equivalent ad valorem rates based on 1928 imports.

	Per cent
Act of 1922	25.00
House bill	35.00
Senate Finance	60.44
Senate	52.20
Conference	52.20

The House Republican conferees accepted the Senate rates, which are more than double the present law.

Tariff Commission reports:

	Production	Imports	Exports
1923	$24,712,877	$491,874	$970,258
1925	29,547,532	707,557	817,685
1927	29,452,248	277,122	925,766
1928	----------	263,227	817,121
1929	----------	469,553	885,311

In 1927 the last year domestic production figures are available the imports were less than 1 per cent of production, and the exports were three times the amount of imports.

Tariff Commission states: "Imports for consumption of cotton blankets under the act of 1922 to the end of the calendar year 1929 averaged in value 47.5 cents per blanket."

642–643. BLANKETS, WOOL, AND OTHER SIMILAR ARTICLES

Equivalent ad valorem rates on basis of imports in 1928

	Per cent
Act of 1922	61.65
House bill	66.29
Senate Finance	65.44
Senate	67.27
Conference	67.27

Tariff Commission reports:

"Domestic production of bed and horse blankets in 1927, amounted to 27,948,488 pounds, valued at $24,758,663.

"The average annual imports of wool blankets and similar articles from September 22, 1922, to December 31, 1929, amounted to 446,689 pounds, valued at $480,999."

Average amount of imports are less than 2 per cent of the domestic production, and rate is increased from 61.65 to 67.27 per cent.

639–640. CLOTHS AND OTHER HEAVY-WEIGHT FABRICS OF WOOL

Equivalent ad valorem rates on basis of imports in 1928

	Per cent
Act of 1922	70.71
House bill	82.51
Senate Finance	82.47
Senate	84.10
Conference	84.10

Tariff Commission reports: "In 1927 domestic production of woolen and worsted piece goods was valued at $516,722,875."

"The average annual imports of wool cloths from September 22, 1922, to December 31, 1929, amounted to $18,143,105. Imports in 1929 amounted to $17,265,807." Imports in 1929 were a little over 3 per cent of the domestic production.

797. GLOVES—MEN'S

Act of 1922, $5 dozen pairs not over 12 inches long; 50 cents dozen for each inch in excess.

House bill, $6.50 dozen pairs not over 12 inches long; 50 cents dozen for each inch in excess.

Senate Finance, $5.50 dozen pairs not over 12 inches long; 50 cents dozen for each inch in excess.

Senate, $6 per dozen pairs.

Conference, $6 per dozen pairs.

Tariff Commission reports: "Comparison of imports with domestic production of leather gloves in 1928 according to types. Type, men's; production, 34,806,324 pairs; imports, 90,074 pairs; ratio of imports to production, 0.26 per cent."

The House rates increased some of this type gloves 110 per cent over the present law, notwithstanding the fact that the imports were twenty-six one-hundredths of 1 per cent of the domestic production.

Practically all men's gloves are not over 12 inches in length, and the conference action increases the duty from $5 per dozen pairs to $6 per dozen pairs, with only twenty-six one-hundredths of 1 per cent imports.

574. SHIRTS—COTTON

	Per cent
Act of 1922	35
House bill	37½
Senate Finance	50
Senate	45
Conference	45

Tariff Commission reports: "New York, Pennsylvania, and New Jersey are the largest producers."

	Production	Imports	Exports
1927	$230,385,279	----------	----------
1928	----------	$28,803	----------
1929	----------	61,203	$2,072,998

House Republican conferees readily agreed to the Senate rate of 45 per cent, although the House bill only carried 37½ per cent, notwithstanding the exports in 1929 amounted to $2,072,998, nearly thirty-four times the amount of imports, which were only about one-fourth of 1 per cent of the domestic production.

597. LINOLEUM, INLAID

	Per cent
The act of 1922	35
House bill	40
Senate	42
Conference	42

The rate on linoleum increased 20 per cent of the present law, notwithstanding the fact that the United States is a large exporter of same.

Tariff Commission reports: "Linoleum is produced principally in Pennsylvania and New Jersey. Exports of linoleum from the United States are widely distributed, having gone to more than 50 countries in each of the six years ending with 1927. Australia, the United Kingdom, and New Zealand are the principal markets for United States exports."

Value of domestic production, imports and exports

	Production	Imports	Exports
1919	$27,457,045	$123,577	----------
1921	32,623,917	310,633	----------
1923	44,588,996	1,657,982	$582,482
1925	44,512,515	1,824,402	412,088
1927	42,039,062	1,149,853	716,678
1928	----------	785,587	1,173,482

251. SCHOOL SLATES

Slate, slates, slate chimney pieces, etc., and all manufactures of slate, not specially provided for

	Per cent
Act of 1922	15
House bill	15
Senate Finance	15
Senate	25
Conference	25

Tariff Commission reports: "Imports of slate consist for the most part of electrical, blackboard, and roofing slate."

This type of slate, according to the Tariff Commission, is produced in the following States:

Electrical: Vermont, Maine, and Pennsylvania.

Blackboard: Practically all in Pennsylvania.

Roofing: Pennsylvania and Vermont are largest producers.

1928: Production, $11,472,291; imports, $44,778; exports, $417,781.

Imports are less than one-half of 1 per cent of domestic production and exports are nearly ten times amount of imports.

The following are types of slate covered in this paragraph: Roofing, electrical, structural and sanitary, blackboards, billiard-table tops, school slates, flagstones.

332. STEAM TURBINES

	Per cent
Act of 1922	15
House bill	30
Senate finance	15
Senate	15
Conference	20

Imports of steam turbines are not reported separately. Tariff Commission reports only one imported since 1928.

The House increased the duty 100 per cent, and the House conferees finally compromised on 20 per cent, which is a 33⅓ per cent increase over the present law.

836. UMBRELLAS, PARASOLS, AND SUNSHADES

	Per cent
Act of 1922	40
House bill	60
Senate finance	40
Senate	40
Conference	40

	Production	Imports	Exports
1923	$28,395,233	$65,919	$202,654
1925	27,299,431	81,546	214,910
1927	23,156,400	152,619	185,125

Imports are less than 1 per cent of domestic production in 1927, and exports were more than imports. Practically all of the imports are of the cheaper kinds not produced in the United States.

773. JEWELRY

Paragraph 1527 (2) costume jewelry made of metal other than gold or platinum and known as novelty jewelry

The act of 1922, 80 per cent.

House bill, 110 per cent equivalent ad valorem.

Senate finance, 110 per cent equivalent ad valorem.

Senate, 80 per cent.

Conference, 110 per cent equivalent ad valorem.

Total domestic production of jewelry

1923	$174,033,912
1925	166,816,370
1927	164,865,057

The Tariff Commission reports: "Although domestic production of jewelry in 1927 was $164,865,057, it is estimated that not more than $45,000,000 was jewelry comparable to that dutiable under this paragraph 1527 (a) (2), that made of metal other than gold or platinum and known as novelty jewelry."

Imports of comparable jewelry

1923	$1,957,605
1925	1,048,017
1927	1,852,838
1928	3,495,973

This jewelry is manufactured in Massachusetts.

368. MANUFACTURES OF BASE METAL

Not specially provided for, if composed wholly or in chief value of iron, steel, lead, copper, brass, nickel, pewter, zinc, aluminum, or other metal

	Per cent
Act of 1922	40
House bill	50
Senate finance	45
Senate	40
Conference	45

The Tariff Commission states: "The base-metal articles included here consist of a host of miscellaneous manufactured products not provided for elsewhere. Many of the articles are economically important and are in daily use in homes, factories, and offices. Thousands of varieties of articles fall within the provisions of this paragraph.

"The total domestic production by the large group of industries here represented is estimated to be in excess of $4,000,000,000 per year."

Imports and exports

	Imports	Estimated exports
1923	$6,837,106	$79,043,000
1924	6,840,465	73,048,000
1925	7,780,432	79,919,000
1926	8,774,220	86,181,000
1927	8,925,613	79,158,000
1928	8,922,943	85,998,000
1929 (11 months)	8,465,302	

Exports are nearly ten times the amount of imports.

Imports are about 2 per cent of domestic production.

305 AND 306. ELECTRICAL MACHINERY AND APPARATUS

Par. 353. Electrical telegraph, telephone, signaling, radio, welding, ignition, wiring, X-ray apparatus, electric motors, fans, locomotives, portable tools, furnaces, heaters, ovens, ranges, washing machines, refrigerators, signs, etc.

	Per cent
Act of 1922	30
House bill	40
Senate Finance	30
Senate	30
Conference	35

Articles falling under this paragraph are chiefly the products of General Electric, Westinghouse Electric & Manufacturing, and Western Electric.

Tariff Commission reports that the production, imports, and exports of articles falling within this paragraph are as follows:

	Production	Imports	Exports
1923	$819,185,883	$281,095	$50,015,993
1927	1,392,635,022	1,770,115	68,536,138
1928		1,429,152	72,400,706
1929 (9 months)		942,352	71,359,043

Imports are about one-tenth of 1 per cent of the domestic production, and the exports are fifty and sixty times the amount of the imports.

388. CLOTHESPINS

Equivalent ad valorem

	Per cent
Act of 1922	90.81
House bill	90.81
Senate Finance	121.21
Senate	121.21
Conference	121.21

Tariff Commission reports: "Seven domestic factories reported production of spring clothespins in 1924. Three were located in Vermont, two in Minnesota, and one each in Maine and West Virginia.

"The production of five companies (out of seven) in 1924 was 843,570 gross, valued at $339,000."

The value of the imports are as follows:

1924	$19,312
1925	14,484
1926	12,672
1927	8,453
1928	11,534
1929	10,519

Notwithstanding the imports are nearly one-half of what they were in 1924, the tariff duty has been increased from 90.81 per cent to 121.21 per cent.

Four of these factories are located in New England.

335. TEXTILE MACHINERY, NOT SPECIALLY PROVIDED FOR

	Per cent
Act of 1922	35
Ways and Means	35
House bill	40
Senate Finance	35
Senate	35
Conference	40

These machines are manufactured in Massachusetts. Many of the machines falling under this paragraph are not produced in this country, and some German machines imported are sold higher than domestic.

	Production	Imports	Exports
1923	$93,202,387	$4,728,800	$6,745,114
1927	85,886,958	2,487,879	5,971,960
1928		2,129,279	6,892,473

Imports less than 3 per cent of domestic production, and exports three times amount of imports.

Paintbrush handles, 33⅓ to 16⅔, back to 33⅓.

293. ALUMINUM TABLE, HOUSEHOLD, KITCHEN, AND HOSPITAL UTENSILS—PARAGRAPH 339

The House bill retained the present law of 11 cents per pound and 55 per cent ad valorem.

The Senate reduced this rate to a flat 25 per cent ad valorem. The equivalent ad valorem rate under the present law ranged from 76 to 80 per cent.

Tariff Commission reports: "There were frequent complaints before the passage of the present tariff law that foreign wares were underselling the domestic. The commission made an informal study of the situation in 1923 after the present act went into effect, and nothing developed to show that imported ware, save in rare cases, was offered below the price of American ware."

	United States production	Imports	Exports
1919	$18,718,830	$1,855	
1921	37,211,775	672,239	
1923	39,344,062	291,756	$697,372
1925	30,643,805	126,404	629,417
1927	27,990,354	72,100	565,443
1928		75,156	643,205
1929		70,295	708,467

Senate receded and accepted House rates.

294. HOUSEHOLD UTENSILS WITH ELECTRICAL ELEMENTS—PARAGRAPH 339

The articles coming under this heading are ranges, flatirons, percolators, waffle irons, and toasters, etc.

The House bill carried a provision placing an additional 10 per cent duty on all household utensils with electrical elements. This provision was stricken out by the conference committee.

The Tariff Commission says: "In 1927 United States production of household utensils with electrical heating elements amounted to $37,872,526. The items largest in value were ranges, flatirons, percolators, waffle irons, and toasters. Imports of these are very small in comparison with the value of domestic manufacture." In 1928 only 124 flatirons were imported, valued at $341; the total imports of the whole class were $9,838.

	Domestic production	Imports	Exports
1921	$17,917,931		$1,637,450
1922			596,895
1923	27,933,326	$19,422	984,471
1924		13,379	1,104,086
1925	35,131,054	6,233	1,339,894
1926		6,956	1,722,381
1927	41,296,947	7,416	1,557,884
1928		9,838	1,587,377
1929		1,753	1,741,650

Exports nearly one hundred times imports in 1929, and yet House wanted to levy an additional 10 per cent.

292. STAPLES, IN STRIP FORM, FOR USE IN PAPER FASTENERS OR STAPLING MACHINES

	Cents per pound
Act of 1922	0.6
House	.6
Senate Finance	40.0
Senate	10.0
Conference	2.0

Tariff Commission has no statistics on production, imports, and exports.

Senate Finance Committee rate of 40 cents per pound was an increase of 6,000 per cent. Ten-cent rate adopted by Senate was an increase of 1,500 per cent. The conference rate of 2 cents per pound is a 300 per cent increase.

344. BRONZE, DUTCH METAL, OR ALUMINUM POWDER IN LEAF

Act of 1922, 6 cents per 100 leaves, equivalent to 5 per cent.

House, 6 cents and 25 per cent, equivalent to 30 per cent.

Senate Finance, 6 cents per 100 leaves, equivalent to 5 per cent.

Senate, 6 cents per 100 leaves, equivalent to 5 per cent.

Conference, 10 per cent.

Three domestic manufacturers. No figures on production, imports, or exports.

515. NEEDLES, PHONOGRAPHS, GRAMOPHONES, GRAPHOPHONES, DICTAPHONES, ETC.

Act of 1922, 45 per cent.

House bill, 8 cents per thousand and 45 per cent.

Senate Finance, 45 per cent.

Senate, 45 per cent.

Conference, 8 cents per thousand and 45 per cent.

Tariff Commission reports that the average invoice value from 1925 to 1928 was 9.9 cents per thousand needles.

Equivalent ad valorem duty

	Per cent
8 cents per thousand	145
9 cents per thousand	133.8
10 cents per thousand	125
11 cents per thousand	117.6
12 cents per thousand	111.6

	Production	Imports
1923	$1,464,964	$22,694
1925	960,831	17,546
1927	1,321,729	28,260
1929		17,995

This is an increase of more than 100 per cent.

These needles are manufactured in Massachusetts (Mrs. ROGERS's district).

337. MACHINES NOT SPECIALLY PROVIDED FOR—PARAGRAPH 372

The machines covered in this paragraph are of many types, the larger of which are as follows:

Type	United States production	Imports	Ratio
			Per cent
Pumps	$129,126,667	$13,000	0.01
Bottling machinery	11,583,700	8,000	.07
Calculating machines	10,613,610	41,000	.40
Compressors	30,186,024	233,000	.80
Printing machinery, not presses	9,335,982	143,000	1.70
Bakery machinery	20,015,158	486,000	2.40
Chocolate and confectionery machinery	5,682,001	161,000	2.80
Tobacco machinery	4,967,976	306,000	6.20

The analysis of imports was for two months' period of 1929.

	Per cent
The act of 1922	30
House bill	30
Senate Finance	35
Senate	25
Conference	27½

In 1927 the domestic production was $1,053,982,979; imports, $7,454,387; exports, $126,078,230, nearly seventeen times greater than imports.

393. PAINTBRUSH HANDLES

While there was no disagreement between the rates carried in the House bill and Senate, it is interesting to note that this is one of the articles on which the tariff was reduced by presidential proclamation.

President Coolidge on November 13, 1926, issued a proclamation under the flexible provision of the act reducing the duty from 33⅓ per cent to 16⅔ per cent.

The bill places them back at the 33⅓ per cent rate.

73. DIGITALIS

Act of 1922	per cent	25
House bill	do	25
Senate Finance		Free.
Senate		Free.
Conference	per cent	20

The Tariff Commission says:

"Digitalis is a leaf drug which is chiefly used in certain diseases of the heart. It is considered an indispensable drug.

"During the war digitalis was commercially produced in this country, but at present the only known commercial production is by one or two drug houses for use in their own products."

246. GRANITE

The House bill inserted the words "pointed, pitched, lined" in both provisions of paragraph 235. The Senate struck out the words "pitched, lined" wherever they occurred, and agreed to the rate of 25 cents per cubic foot for unmanufactured granite.

The word "pitching," as used in the granite industry, means, roughly, chipping off the excess stone from the surfaces of the block as it comes from the quarry, largely to facilitate the transportation of the stone. Practically all of the rough granite—domestic or imported—is more or less pitched before it leaves the quarry.

The House Republican conferees insisted upon the inclusion of these words, and the conference committee agreed to same. The effect of the insertion of the word "pitched" transfers practically all rough unmanufactured granite to the provision for manufactured granite subject to a duty of 60 per cent. This rate of 60 per cent is equivalent to a specific duty on rough granite blocks, according to size and quality, from 75 cents to more than $2.40 per cubic foot. This would mean an increase for some types of 1,500 per cent or more above the existing rate of 15 cents per cubic foot.

Domestic production of unmanufactured granite is largely confined to Vermont and Massachusetts. Granite produced in Pennsylvania, Wisconsin, and Minnesota is practically all manufactured in connection with the quarries.

	Domestic production		Imports	
	Cubic feet	Value	Cubic feet	Value
1924	3,520,530	$8,167,630	146,728	$215,515
1925	3,195,250	8,020,176	156,767	228,753
1926	3,240,550	7,388,454	184,457	250,793
1927	3,197,910	7,383,805	132,722	213,387
1928	3,172,730	7,773,186	142,907	241,058

In 1924 the imports were approximately 2.6 per cent of production.
In 1925 the imports were approximately 2.8 per cent of production.
In 1926 the imports were approximately 3.3 per cent of production.
In 1927 the imports were approximately 2.8 per cent of production.
In 1928 the imports were approximately 3 per cent of production.

160. SODIUM CHLORATE

		Cents
Act of 1922	per pound	1½
House	do	1½
Senate Finance	do	2
Senate		Free.
Conference	per pound	1½

Farm organizations, including the Farm Bureau and Grange, desired this article to be placed on the free list.

It is used extensively as a weed killer, and requires from 200 to 500 pounds per acre.

There is only one plant making sodium chlorate in the United States, being located in New York. This plant is said to be of English capital, and only produces about 66 per cent of the domestic consumption. The consumption of this as a weed killer is increasing rapidly.

In 1929 the plant at Niagara produced 4,792,000 pounds; has been enlarged so that they can now produce 8,000,000 pounds.

Imports: In 1928, 2,595,107 pounds; in 1929, 7,738,862 pounds. (Preliminary.)

214. GRAPHITE—CRYSTALLINE LUMP, CHIP, OR DUST

Act of 1922, 20 per cent.
House, 25 per cent.
Senate Finance, 20 per cent.
Senate, 2 cents per pound, equivalent to 61 per cent.
Conference, 30 per cent.

Crystalline flake

Act of 1922, 1½ cents pound, equivalent to 34 per cent.
House, 1¼ cents pound, equivalent to 28 per cent.
Senate Finance, 1¼ cents pound, equivalent to 28 per cent.
Senate, 2 cents pound, equivalent to 45 per cent.
Conference, 1.65 cents pound.

Production: Tariff Commission reports domestic production of crystalline graphite in each of the years 1926, 1927, and 1928 was about 2,500 short tons, but trade reports indicate a decrease in 1929. It is reported that largest domestic producer has gone into hands of receiver.

Imports: Imports of combined crystalline grades supply from 75 to 85 per cent of domestic consumption.

Mr. HAWLEY. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker and gentlemen of the House, what is a tariff bill for? Do manufacturers get all the profit that comes from the advantage given to those who employ their money in industry in the United States, or does that money reach out and make happy the homes of contented workmen here? I ask you gentlemen who are finding fault with this tariff bill to answer this question. Does the money that you want to spend for foreign-manufactured goods do any good to workmen in America?

Getting right down to brass tacks, a tariff bill is intended primarily to help the toiling masses of America to maintain American standards of living and American wages. The gentleman who has just left the floor spoke as though America was poor. America, with more telephones than all the rest of the world combined, America with more children in colleges and universities than all the other countries of the world combined, America with more automobiles than all the rest of the world combined—poor America. Let us keep America where she now is, in the forefront of world commerce and world prosperity. [Applause.]

This is what we want to do with this tariff bill, and the tariff rates that are being written into this bill that are higher than those that were written into the Fordney bill are made necessary by reason of the wide spread between the decent American wage that is received and the wage that is paid to produce in other countries.

Why, some men of wealth in America are investing their dollars elsewhere now to employ this low-paid labor. We have Henry Ford, if you please, employing 6,000 men in Ireland to build tractors that come into America free of duty to help the farmers; and where will the American farmers sell their produce if the American workmen are not employed? Are you going to send it abroad and let these 6,000 men spend the money over there in buying American produce? How ridiculous it is.

Let us build the tariff walls in America so high that American labor can always expect to get its share, and this is what we want to do with this tariff bill.

Money invested by manufacturers in efforts to produce knows no flag. It goes where it can buy the cheapest. It goes where it can produce the cheapest and get the biggest return, and so some American capitalists to-day want to manufacture and make use of the low-paid labor of other countries. Two billion seven hundred million American dollars are engaged in the manufacture of products that are shipped into America to compete with American workmen. If that money had been spent in America there would be very little distress.

I say, gentlemen, the tariff bill that is before us to-day is intended not only to take care of capital, not to take care of Mr. GRUNDY, as some one has said, but is intended to hold up American standards of living and to protect and bring back jobs for our working people. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. HAWLEY. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I can not follow the gentleman from Ohio. He complains that the American capital is establishing factories abroad, thereby cutting down employment in this country, and in the same breath he justifies taxing the American workingman's breakfast, dinner, and supper.

It will not be long if the provisions in the agricultural schedule of this bill are carried out before the American workman in the industrial centers of the East will be on the meatless diet of the Russian peasants if not compelled to go to the rice diet of the Chinese cooley.

I can not for the world see how you are going to do any good to agriculture if you put such a tariff on food products as to make them prohibitive. When prices are too high, as they will be as soon as this tariff goes into effect, the consumers will not be able to buy as much as they do now.

You have not forgotten a thing on the poor man's table—potatoes, onions, tomatoes, sugar, meat, cheese, butter, fruit—in fact, everything that goes on the table. I am not objecting to a duty on truffles or pâté de foie gras and other delicacies that the average workman would not recognize even by name. I am protesting on the increase tariff on the very necessaries of life.

I am concerned when the new tariff rates commence overtaxing the consumers early in the morning with the first spoonful of sugar which goes into the cup of coffee, the sandwich for his lunch, and the meat for his supper table, and the fruit he may have on a Sunday—potatoes, onions, tomatoes, flour, everything that he eats—necessaries, not luxuries. Gentlemen, there is no justification for that.

What good is it going to do the industrial workers of the East if you give a tariff on the difference between the cost of production here and abroad, and, on the other hand, take all his wages away from him in artificial high prices for what he nas to buy to live.

Mr. MURPHY. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. MURPHY. The gentleman does not want the American workman to be placed on the same level with the workmen of all other countries that compete with the American workmen?

Mr. LAGUARDIA. No; but in this bill you are going to put them on the same level. The increased cost of living will be greater than any advantage which might be obtained in increased wages.

Mr. MURPHY. You will not, if you give the American manufacturers a chance to employ the workman and pay him the wages he now gets—give him a chance to employ more workmen and have more pay. You will give him a better chance to employ workmen and give the workmen better pay than you will under your theory of free trade.

Mr. LAGUARDIA. I am not advocating free trade. I have consistently stood for an honest protective tariff where and when it is needed.

Mr. MURPHY. It is a mighty thin line.

Mr. LAGUARDIA. Not at all; I am willing to go along with a duty on manufactured products where there is danger of competition, but how can you justify a duty on meat when we import no meat? How can you justify a duty on tomatoes when we import a very small amount? How can you justify a duty on olive oil when we produce little olive oil? How can you justify an increased duty on potatoes when we do not import even one-half of 1 per cent of our production?

Mr. SIMMONS. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. SIMMONS. The gentleman does not want the RECORD to show that we are not importing meat?

Mr. LAGUARDIA. The percentage is so trifling that it would not affect the cost.

Mr. SIMMONS. And I trust it will be less when we get this bill passed.

Mr. MANLOVE. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MANLOVE. The hearings before the committee will show that the tomato industry under the present tariff, without an increase of duty, will be killed. The importation of tomatoes from Italy is sure to put out of business the tomato grower as time goes on.

Mr. LAGUARDIA. I do not think that is so. How about onions? How about potatoes?

Mr. MANLOVE. We raise more tomatoes in our State than in any other State.

Mr. LAGUARDIA. How about onions? How about potatoes?

Mr. SNOW. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SNOW. Does not the gentleman from New York know that potatoes have been pouring in from Canada for months and have depressed the price not only in New England but as far west as Chicago?

Mr. LAGUARDIA. The gentleman knows that the importation of potatoes is less than one-half of 1 per cent of the output in the whole country.

Mr. SNOW. It does not make any difference whether it is 1 per cent or 50 per cent, enough potatoes have come in from Canada during the last few months to seriously interfere with the movement of the potatoes of our eastern potato growers.

The United States can and does produce within its own borders a sufficient quantity of potatoes to supply its entire needs. About 40 States raise potatoes, and the competition between

these States will always be sufficient to keep the price at a fair level. Under these conditions, our tariff rates should protect our American potato growers who can not compete with potatoes from foreign countries where labor costs and costs of living are greatly below ours.

Mr. LAGUARDIA. Why, the gentleman bears out what I say. We produce sufficient potatoes for our own use and therefore there should be no tariff. The indifferent and negligible amount which filters in does not justify the tariff rate proposed.

Mr. MURPHY. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MURPHY. I am curious to know what the gentleman thinks about conditions that affect the garment workers in New York. Are they not more prosperous under the protection of a tariff duty than they would be if everything was free. Do not they have more money with which to buy their food?

Mr. LAGUARDIA. Yes, certainly. There is a typical case where the tariff is justified. I am not arguing for free trade, and the gentleman can not put any such words into my mouth. Your garment schedule is all right, and so are many of the other schedules, but meat, and potato, and onion, and tomato, and oil schedules are all wrong, and anything that you can say can not justify them. Neither is the sugar schedule justifiable.

Mr. STRONG of Kansas. Then we understand the gentleman is for a tariff to protect his garment workers but wants free trade for the things they eat.

Mr. LAGUARDIA. I go along with the tariff on anything where the difference in cost of production is such as to make importation in such quantities destructive of American industry. That is the real principle of an honest protective tariff policy. Such is not the case in the schedules I here mentioned.

Mr. STRONG of Kansas. And helps the men who produce it?

Mr. LAGUARDIA. I am not so sure of that. I think it is going to help the jobber and the middlemen in my city. Perhaps my friend from Kansas who is a farmer and a producer and who raises corn and bulls and other things——[Laughter.]

Mr. STRONG of Kansas. We get some of them from New York, too.

Mr. LAGUARDIA. Yes; and they are prize ones, like the gentleman's bull. What is the gentleman going to do with the increased tariff on cement?

Mr. STRONG of Kansas. I am going to do just as the gentleman will.

Mr. LAGUARDIA. Vote against it?

Mr. STRONG of Kansas. Vote against it. That is the gentleman's policy?

Mr. LAGUARDIA. There you are. The gentleman twits me for taking the floor and trying to keep down artificial, unnecessary, unjustifiable increases in the tariff on food products, and I know that he is going to vote against the tariff on cement. For once the gentleman is right.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SIMMONS. I take it that you are perfectly willing that we should vote for a tariff on manufactured articles?

Mr. LAGUARDIA. Yes.

Mr. SIMMONS. But you are not willing to let the American farmer in the production of food take the place of the manufacturer.

Mr. LAGUARDIA. The gentleman is solicitous for the farmer. Is the gentleman going to vote for the debenture?

Mr. SIMMONS. We will reach that bridge, I understand, on Saturday, and I shall vote when the time comes, and I shall vote on the first roll call. And that is not what I am talking about.

Mr. LAGUARDIA. But that is what I am talking about. [Laughter.]

The SPEAKER pro tempore. Will the gentleman desist until the House is in order?

Mr. LAGUARDIA. O Mr. Speaker, it can not be in order when we are considering a bill of this kind. That is impossible. I submit to my friend from Nebraska that I have gone along the whole way on farm relief. I voted for the equalization fee, and I would vote for it again. I can justify my vote on that.

Mr. SIMMONS. We are in accord on that.

Mr. LAGUARDIA. Then the gentleman should not come and tell me that I have not the interest of the farmer at heart, when the gentleman can not say right now that he is not going to vote for the debenture. I am going to vote against it.

Mr. SIMMONS. I will say this to the gentleman: He does not have the interest of the farmer at heart if he wants to put a tariff rate on manufactured articles that the farmer buys and then tell them that he is unwilling to meet them halfway on the things that the gentleman's people buy from the farmers. [Applause.]

Mr. LAGUARDIA. There is a reasonable limit.

Mr. SIMMONS. And the thing that the gentleman complains of is that we have not reached that reasonable limit in this bill, but if you city people want to play fair with the farmer you can not take the stand you are taking on this matter.

Mr. LAGUARDIA. I certainly can.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. HAWLEY. Mr. Speaker, I yield 15 minutes to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Speaker, ladies and gentlemen of the House, I regret that I had to be away from the Hall for a few minutes while my good friend and colleague from Mississippi [Mr. COLLIER] was addressing the House. I have not had an opportunity to see a transcript of his remarks, so I have no knowledge whatever as to what it was he wanted to interrogate me about. I yield to him now for that purpose.

Mr. COLLIER. How much time has the gentleman?

Mr. CROWTHER. Fifteen minutes.

Mr. COLLIER. The questions that I had in mind to ask the gentleman would take more time than that. [Laughter.]

Mr. CROWTHER. It might take longer than that for the gentleman to ask him, but I do not think it would take half that time to answer them satisfactorily to the people of this country. [Applause.] I have looked over very carefully all Democratic criticisms that have been made of tariff bills here for a great many years. They have been called "robber baron" bills, "unconscionable, outrageous monstrosities," and all such titles. I think a very fair average was one I took from the RECORD regarding the 1922 bill, made by a very distinguished Senator. The tendency toward ethical complications between the two Houses, of course, will prevent me from using his name at this time, but it seems to me that it is a pretty fair composite description and it is quite in line with the way that our friends the Democrats criticize Republican tariff bills. He said regarding the bill of 1922, the Fordney-McCumber bill, now the law, and which has been perhaps the best bill that we have ever had for the country, as follows:

> This bill is the apotheosis of robbery and infamy.

And when I have finished the quotation I think there will be some applause from the Democratic side.

> Of all the damnable tariff bills ever passed by the Congress of the United States, this will stand preeminent because of its multitudinous infamies.

The interesting fact is that the pessimistic predictions have always failed to materialize, but facts are never given consideration when Democrats attack a tariff bill written by Republicans.

Away back in 1894 many interesting speeches were made on the Wilson bill, including one by the very distinguished Speaker of the House at that time. He was the father of my very distinguished colleague on the Committee on Ways and Means, Mr. CRISP, of Georgia, and I was impressed with the plea that he made to the Democratic side of the House. If you have never read those speeches, I hope you will read the two closing arguments on the Wilson bill, one by the late lamented Thomas B. Reed, of Maine, previously Speaker of the House, and the other by Mr. Crisp, of Georgia, who was Speaker of the House at that time.

During all the intervening years nothing new has been said, nothing new has been discovered, as to the merits or the demerits, if there are any, of the policy of a protective tariff. You will find the speakers on both sides used arguments closely akin to the arguments that are used in Congress to-day.

Now, of course, I do not think the present occasion is the time to quarrel and argue about the merits of the policy. Both political parties were so close on the tariff issue last year that it would seem there was not much opportunity for Democratic criticism of this bill. Your party declarations and your party platform and the statements made on the stump and the declarations made by your party leaders all naturally gave the country the impression that you were real protectionists. I must again refer to the telegrams from you all to Mr. Raskob, the Democratic manager, and his statement, in which he said that he had 90 per cent of the Democratic candidates for Congress on record; that he had messages from them to the effect that they had agreed to the tariff plank in the platform laid down at Houston, Tex.

And you will remember that a very distinguished citizen of New York, who was a candidate for President on the Democratic ticket, went even further, and said that he thought possibly that we ought to have a tariff revision; but, if any, it ought not to be a general revision; and whatever kind of revision it was he would see to it that it would be such that it would not take a single nickel out of the pay envelope of an

industrial worker in the United States. [Applause.] And your party leaders told the people of the country that there was no danger, no cause for being afraid of Democratic success; that they had been at least partially wedded to the principle of protection, and business need not fear free trade or low tariff legislation if Democrats were successful.

Of course, you would not go as far toward the policy of protection as we would have liked. In 1908, in the Republican platform, and it has never been embodied in any platform since then, I do not know why; but that platform made this statement, "That the duties should represent the difference between the production cost here and abroad together with a reasonable profit to American industry." That was our declaration in 1908, and nothing less than that is really protection. [Applause.] Nothing less than that. If you leave out that phraseology, then you have both parties fairly pledged to what might properly be termed a competitive tariff. I do not believe in a competitive tariff. I am a protectionist.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield there?

Mr. CROWTHER. Yes.

Mr. JOHNSON of Oklahoma. The gentleman pleads for reasonable profits for big industries. Let me remind him that under the Fordney-McCumber Tariff Act some of the big steel companies made as much last year as 182 per cent on capital invested. Does the gentleman consider 182 per cent a reasonable return on an investment?

Mr. CROWTHER. I will say to the gentleman that business success is not a crime in this country. You strive for success as an individual, and so does big business. To be successful is not a crime. A distinguished group in another body set out to show the connection between high profits in industry throughout the country and a protective duty. Of course, that was impossible. There are dozens of things that enter into the subject besides the customhouse rates—good will, good advertising, efficient machinery, well-paid help, and quantity production. We ought to be proud of the fact that an industry in this country made a profit of $182,000,000. They paid high wages. They were large consumers of thousands of other commodities produced in the country. They paid taxes, corporation and income, and contributed to the success of our transportation lines.

Mr. COLLIER. Mr. Speaker, will the gentleman yield there?

Mr. CROWTHER. Certainly; I shall be glad to yield to my colleague.

Mr. COLLIER. I would like the gentleman to tell me what kind of a protective duty this is: Take one of these mechanical pencils, where the former rate was so much for each kind by the gross, and your committee erased the word "gross" and inserted the word "dozen," making an increase of 48 per cent.

Mr. CROWTHER. I will answer that. These mechanical pencils were originally classed under the metal schedule, the schedule in charge of the gentleman from New Jersey [Mr. BACHARACH]. They were transferred to the sundries schedule, and the witnesses appearing before us stated that mechanical pencils such as this one that I have in my hand—a much better one than the one that the gentleman offered me here [laughter]—ought to be included in the paragraph with fountain pens.

If you put even a small specific duty on articles that cost 2 cents apiece, the ad valorem, of course, runs very high, but that can not be helped. That occurred in a number of other instances in the sundries schedule, on beads, jewelry, and several other commodities, where the initial cost on cheap grades was very low; articles that were delivered here for 2 cents and were selling in the 10-cent store for a dime. No matter what the specific duty figures in ad valorem, the pencil is sold still in the 10-cent store for a dime. On the higher-priced mechanical pencils the duty is not too high.

Mr. MANLOVE. Will the gentleman yield?

Mr. CROWTHER. I yield.

Mr. MANLOVE. I just wanted to say to my friend from Oklahoma [Mr. JOHNSON], who lives close to me down in southwest Missouri, that in that section of the country we produced last year and will produce again this year something like 4,000 cars of strawberries, and practically every car of those strawberries is sold in the industrial section, and the strawberries are eaten and paid for by the employees of the steel mills. Further along that line, the result would be that if we did not have this tariff on steel those mills would be closed, and therefore no market for our product.

Mr. CROWTHER. I now return the evidence to my colleague from Mississippi. [Applause and laughter.] I know he is glad to get his pencil back.

Not mentioning who he was, I notice another distinguished Member of the Senate a few weeks ago made the statement, in connection with the discussion on the tariff bill, that the House of Representatives was formerly the body to which the people came to plead their cause, and that the Senate was where the interests came to do likewise, in the olden days. He said further, in this statement, that the condition had now reversed itself, and that the House of Representatives was the spokesman of the interests and the Senate was the body to which the people looked for an adjudication of their rights.

Of course, if the distinguished body at the other end of the Capitol is now the representative group, and if they are the voice of the people of the country, if they truly represent the body politic, then I think there should be a new constitutional amendment that will permit the United States Senators to go before the people every two years for election, and elect the Members of the House for a term of six years. [Applause and laughter.]

I remember that Senator Lodge a number of years ago, I think it was in 1922, spoke about the difficulties which they encountered whenever a duty was suggested on any new commodity. He was referring to a duty which the Democrats were interested in, a duty on a commodity called rice, a food product of the United States. Senator Lodge said that never had there been such criticism as when they attempted to put a duty on rice. That was in the discussion in connection with the Mills bill many years ago, the first bill with which Senator Lodge had anything to do. Rice has been on the protective list ever since, and it is one thing that was particularly taken care of in the Underwood bill. Do you mean to tell me it was for revenue? Of course not. It came under the head of what was termed "incidental protection," and made Texas, Louisiana, and Arkansas happy. [Applause and laughter.]

There is a lot of discussion going on about the consumer. I hope I shall be able to get a little more time, as my time has about expired.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. HAWLEY. Mr. Speaker, I yield 10 additional minutes to the gentleman from New York.

Mr. CROWTHER. I want to refer to a speech which my friend and colleague, Judge HARE, of South Carolina made, in which he prophesied that the present tariff bill now under discussion will cost the ordinary farm family of five between $250 and $1,000 more per annum.

Of course, that is in line with the sort of statements with which the RECORD is filled by the Free Trade League, the so-called Fair Tariff League—the H. E. Miles Fair Tariff League. They take retail prices and multiply them by the ad valorem duty and then multiply that by the Department of Commerce record as to total production; in fact, the methods of computation that they employ are about as logical as those which Amos 'n' Andy would use in figuring up their tax return in the Fresh Air Taxicab Co. [Applause and laughter.]

Mr. HARE says, among other things, that a set of wagon harness will be increased $3.50 per year. You do not buy a set of wagon harness every year.

Aluminum products, $10; additional cost, $6. You do not buy aluminum ware every year.

One clock, additional cost $1. You do not buy a clock every year.

One woolen blanket, $3; additional cost, $1.40. You do not buy a woolen blanket every year.

One safety razor, $2; duty added, 70 cents. They are giving safety razors now with a package of blades. [Applause and laughter.] You do not have to pay $2 for a safety razor, and one will last all your life.

One wool shirt, $2. Who wants to wear a wool shirt? [Applause and laughter.] Who wants to live in South Carolina and be compelled to wear a woolen shirt?

Plows, $20. The farmer does not buy a plow every year.

One pair of scissors, 50 cents; added duty, 42 cents. You can buy them at the 10-cent store, an extra good pair for a quarter.

One cross-cut saw and $10 worth of nails every year at an additional cost of $3.50.

A tombstone, $100. [Applause and laughter.]

If the Democratic Party was in power constantly, I do not know but what he might feel like dying every year in despair. [Applause.]

But the fact of the matter is that he only dies once. And my friend, Mr. HARE, alleges that there is an additional duty of $50 on the tombstone, but he neglects to inform his people that it must be an imported tombstone. [Laughter and applause.]

That is a fair description of the method that is used. They used the same plan with sugar, telling the housewife what sugar will cost her, but the average American housewife knows that in order to buy sugar there must be a pay envelope on Saturday night, and you do not fool her very extensively with Democratic propaganda. If we are going to be protectionists, and live up to the fundamentals of our party faith, we can not

play hop, skip, and jump with the policy and apply it here and not apply it somewhere else. [Applause.] If it does not apply all long the line, if it is not just as good on hides, leather, and shoes as it is on wood, finished lumber, and shingles; as good on milk, cream cheese, and butter; as good on raw wool and yarn and your sweater or your suit of clothes—if it will not apply all along the line, then there is something economically unsound about the project. But I do not believe there is. I believe it can be applied all along the line. There is no honest reason why it should not be done.

The gentleman from Georgia, my good friend, Mr. CRISP, said in one of his speeches in discussing the rule, that there was not a single man from the great South that was on this committee of 15 who wrote this tariff bill. You will remember how they were allocated on Mr. GARNER'S map, and I showed at the same time how they were allocated in 1913. There was not a man west of the Mississippi on the committee at that time. Geographical location has nothing to do with the allocation of membership on the Ways and Means Committee.

But, let me say to my colleague Mr. CRISP, I honor you because you are conservative, and you are eminently fair. Let me ask the gentleman if there has been the least prejudice or the least injustice done to the South in writing this bill, the South which the gentleman so splendidly represents.

Mr. CRISP. I would not say any injustice was done intentionally. I do say that behind closed doors when 15 members were preparing the bill and there was no voice from the South to present the claims of the South, some injustices were done. I recall one instance, where Georgia and Florida were interested in an increased tariff on tobacco wrappers. Of the 15 men who wrote the bill there were 2 members from Pennsylvania, 1 from New York, 1 from Ohio, 1 from Wisconsin that were opposing the duty, and not a voice on the committee to present the views of the South. When the bill came out there was no increase on tobacco wrappers. [Applause.]

Mr. CROWTHER. Of course, you can not expect a bill to be 100 per cent perfect. I was not altogether happy as to some of the rates.

You can not expect a perfect bill under any circumstances. I think we have a good bill as it comes from the conferees, and I think we have been eminently fair. We have not allowed our judgment to be warped by our prejudices, which had a tendency to be developed or overdeveloped because of the constant attitude of you Democratic folks in voting against the bill. After you have come and begged and pleaded with us to take care of the things which you grow or are manufactured in your districts, then you stand up here and vote no on final passage of the bill. Of course, we all know you vote no with your fingers crossed, all the time praying to the Lord that the bill will pass, because you know your constituencies will benefit by it.

After all, the industrial activities of this country are not lodged wholly with the Republican Party. There are hundreds and thousands of Democrats in the country who are in business. The textile business, the steel business, the lumber business, the coal business, and the sugar business are not confined to members of one political party.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. SCHAFER of Wisconsin. Is not Mr. Raskob, the Democratic national committeeman, in the rayon business?

Mr. CROWTHER. Well, the rayon business is protected in this bill and properly so. According to a dispatch from a British newspaper it appears that since they put the new duties on two years ago the price of rayon yarns in their own country has dropped from 20 to 25 per cent, the price of gloves from 3 to 8 per cent, and the price of chinaware from 7 to 10 per cent.

In 1922, on the floor of this House and in the Senate, the prophecy was made that the housewives of this country, as the result of the duties that were being asked by the pottery manufacturers of the United States, would be called upon to pay $36,000,000 in addition for the dishes they bought for their homes. In 1929, nearly seven years afterwards, when Mr. Wells, of Wellsville, Ohio, appeared before us, evidence was presented to show that the housewives of the United States, the hotels, and the other people using that material, were buying their dishes for the table for 25 per cent less than the price was in 1922. [Applause.] We did not have brought to our attention in all the evidence submitted one single commodity that had been raised in price as the result of the duties placed upon them in the 1922 tariff act.

Sugar prices have been on a gradually declining scale ever since 1923 with a fairly decent duty on it. In America we buy sugar cheaper than in any country of the world. It is 5 cents a pound on the average and England pays 8 cents, and the price runs from that up to 21 and 22 cents in various parts of Europe. It seems as though we are not willing to pay a fair price for a commodity that is the most valuable food product in the world, and keep the industry alive in this country. We have millions invested in sugar refineries in the United States. Seventy-five thousand people, directly and indirectly, work in the sugar refineries, and the pay roll is $80,000,000 a year. There are three or four in New York and New Jersey, three in Philadelphia, one in New Orleans and San Francisco. If we do not take care of those engaged in the sugar-refining business and give them a duty on refined sugar which will enable them to live, sooner or later the refineries will have to go out of business. Mr. Hershey and two or three other manufacturers already refine their sugar in Cuba with the cheapest labor that can be employed. We ought to take care of the American industry and foster employment of American labor, and that is the fundamental with which we are concerned at this time. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. HAWLEY. Mr. Speaker, I yield the gentleman 10 additional minutes.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. CROWTHER. For a question; yes.

Mr. O'CONNOR of New York. Will not, in the gentleman's estimation, the price of sugar go up if this new increase goes into effect?

Mr. CROWTHER. It might.

Mr. O'CONNOR of New York. If it does not, what purpose does a protective tariff serve—if it does not tend to increase the price?

Mr. CROWTHER. Well, the gentleman knows that when you had no duty, when we were at the mercy of Cuba and refused to buy their crop they afterwards charged us just what they pleased. We ought to carry a duty on this product because we ought to do everything we can in the world to develop the beet and cane sugar industries in the United States. There are many sources from which it may be possible to take care of our entire sugar necessities. The Bureau of Standards says to us that in a few years it may be possible to produce our entire sugar necessities from what is known as the Jerusalem artichoke and without being dependent upon the beet production of the country. But millions of dollars are invested in the beet-sugar industry. It is a help to agriculture, and that is vital at this time. It is a healer of sick soil; it is a crop which is of vital importance in certain sections of this country, and we ought to take care of it. It provides for the use of land that otherwise would be used in growing the grains, of which we raise too much at the present time, and the surplus of these crops is what is giving us concern at this time. The beet-sugar industry is a farm-relief project in more ways than one.

Mr. CRISP. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. CRISP. The gentleman referred to the time when we did not have a duty on sugar—will the gentleman say how long it has been since there was not either a duty or a bounty on sugar?

Mr. CROWTHER. Oh, you had a very low duty in the Underwood bill, and you prescribed the time when it should end altogether, but it did not work very well, and when your President refused to buy the sugar crop of Cuba on the advice of an economist, whose name I do not now recall, the gentleman knows we were at the mercy of those people, and we had to pay just exactly what they demanded for their sugar.

Mr. CRISP. That was during the World War, when prices the world over were high.

Mr. CROWTHER. The gentleman's party has used the World War to cover a great many shortcomings and has used it as an excuse in a great many instances.

Mr. SLOAN. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. SLOAN. Is it not the fact that the high prices of sugar were not during the World War but in the two or three years following the World War, beginning with 1919 and ending with 1921?

Mr. CROWTHER. I thank the gentleman for his contribution.

Mr. CRISP. If the gentleman will permit me, I think my friend is mistaken. During the World War sugar was high, and the peak of high prices was reached a year or two after the war.

Mr. CROWTHER. There has been a great deal said about the consumer. I want to call attention to the fact, ladies and gentlemen of the House, that there is no sharp line of demarcation in this country between the producer and the consumer. They are synonymous terms, interchangeable terms. The agriculturalist disposes of and consumes a great deal of what he

raises and the men and women working in the shops wear and use the materials that they make. So you can talk about 200,000 people in the steel industry and ask whether the consumers, numbering 120,000,000, ought to be exploited on their account; or about the 150,000 textile workers and ask whether the consuming public ought to be exploited on their account. Why, they are all a part of the 120,000,000 of our population. The consumer is a producer and the producer is a consumer, and there is no sharp line of demarcation in this country of ours.

Mr. O'CONNOR of New York. Will the gentleman yield again?

Mr. CROWTHER. Yes.

Mr. O'CONNOR of New York. But for every manufacturer there are thousands or hundreds of thousands of real consumers, are there not?

Mr. CROWTHER. Yes; and there are hundreds of thousands of real employees who are producers. We are all consumers, and we benefit by the keen business competition that exists. No group in this country is independent. We are all interdependent, and we can not be prosperous except as a unit. [Applause.]

Mr. MOUSER. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. MOUSER. But you can not consume unless you are employed by industry.

Mr. CROWTHER. Absolutely. You have got to get a pay envelope every Saturday night. That is the important thing—keep up the purchasing power of the body politic of this country. That is the thing that makes for prosperity. The trouble is we have not now the degree of this purchasing power that we ought to have.

There is not a wide enough distribution of pay envelopes. There are many reasons for this, but I will tell you now that one of the reasons is because in every department store of this city and in every department store of every one of the thousands of cities in the United States there are too many goods on the shelves and on the counters and on display that were not made in the United States of America. [Applause.] Go down and look at the silks and satins and the chinaware and glassware and shoes from Czechoslovakia, and the hats from Italy, and the various products of England and of Japan, including baskets and novelties of every description, and gloves and dresses from France. Your stores are crowded with them, and they displace just that many dollars' worth of American products and reduce the size of the American pay roll.

There is a great deal of criticism here about the industrial East. Let me say to you, I am going to put in the RECORD the value of the agricultural products in a group of States that certainly can not be called the industrial East.

In Alabama, for 1927, the value of manufactured products was $551,000,000; Arkansas, the State of my good colleague Mr. RAGON, $183,000,000; Florida, $218,000,000; Georgia, $610,000,000 of manufactured products for 1927; Kentucky, $448,000,000; North Carolina, $1,155,000,000; Texas, with $1,207,000,000 of manufactured products—and oh, how I regret that my genial, enthusiastic friend from Texas [Mr. GARNER] is not here to-day. I regret he is ill, and I know the sympathy of this House goes out to him and hopes for his speedy recovery, just as I do [applause], because I want him here to battle with. He is a worthy foe and he is always on the job. I had a special speech prepared to-day if he had appeared, but that is in my pocket, useless for the time being. [Laughter.]

A summary of Exhibit A showing the value of the manufactured products in each of the aforesaid 13 States for the year 1927 is as follows:

Alabama	$550,372,000
Arkansas	182,751,000
Florida	218,790,000
Georgia	609,918,000
Kentucky	447,765,000
Louisiana	638,361,000
Mississippi	196,641,000
North Carolina	1,154,647,000
South Carolina	358,334,000
Tennessee	614,041,000
Texas	1,206,580,000
Virginia	671,347,000
West Virginia	455,217,000
Total	7,304,763,000

So I say that this diatribe, this criticism, this vitriolic reference time and time again to the industrial East is uncalled for. It is unworthy and has no place in any fair criticism of the tariff bill. [Applause.]

I want to tell you what I think is the danger we are now facing. I think our people, especially our people who work, should look with a great deal of distrust and with a great deal of concern on the condition that is developing, which is sending very rapidly American capital out of the United States to establish American industry in foreign countries. This is something that ought to make our people who work stop, look, and listen. When American capital goes abroad and takes advantage of the lowest wages paid in those countries and then comes to the doors of the Finance Committee, as they did in regard to automobiles, and asks that the duty be removed because of the tractors and pleasure cars they hope to bring in here, to me this is a very serious danger.

Gentlemen, I know we are going to have separate votes on the various amendments, and I wanted to have time to say something about lumber and shingles, something about cement, and something about sugar. I will try to put in the RECORD here the way Great Britain takes care of its cement industry. The advertisements used in the Daily Mail read as follows:

Foreign cement stands for and contributes to unemployment. It diverts revenue that should benefit British labor. Coal mines, railways, British machinery makers, engineers, and so forth, should always specify British cement and provide directly and indirectly employment for thousands of British workmen.

On the letters that come here and on the envelopes is stamped, "Buy goods made in the British Empire."

Should we be less concerned than England as to the necessity of using domestic cement?

Mr. ALLGOOD. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. ALLGOOD. The gentleman spoke about too many foreign goods being on the shelves of the stores in this country, does the gentleman advocate other countries of the world, China, Japan, England, and France, raising tariff barriers to prevent the influx of American goods into those countries, just like you have in the pending tariff bill?

Mr. CROWTHER. Every country has raised its tariff rates since the war except Canada; Canada is the only one that has not. England has raised her duties until she is the highest protectionist country, per capita in the world, but we continue to trade with them all as our annual customshouse returns of over $600,000,000 will show. [Applause.]

The present rates have not retarded the importations but have vastly increased them. Our stores are piled high with foreign merchandise which is sold to American consumers at a fine profit even after the importer pays the duty. Every dollar of American money spent on imported goods feeds cheap foreign labor, deprives skilled American labor of wages, reduces American labor's ability to buy from American retailers, and undermines the American living standards of which we as Americans are justly proud.

Mr. HAWLEY. Mr. Speaker, as far as I know there is no other Member who has requested time on this side, and there will be but one other speech.

Mr. COLLIER. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Georgia has 14 minutes remaining.

Mr. CRISP. I yield the remainder of my time to the gentleman from Illinois [Mr. HENRY T. RAINEY].

Mr. HENRY T. RAINEY. Mr. Speaker, and ladies and gentlemen of the House, I have listened with a great deal of interest to the speeches which have just been made in support of this bill. And I have listened with considerable interest to the speech made by the gentleman from Ohio [Mr. MURPHY] and by my colleague on the committee from New York [Doctor CROWTHER].

They are the old-fashioned Republican high-tariff speeches. [Applause]. The kind of speeches that were made at the close of the last century, the kind of speeches that were made just before the defeat for the Presidency of William Howard Taft. [Applause.]

After that historic defeat for which the Payne-Aldrich bill and its high rates were largely responsible, the flow of oratory such as we have just listened to stopped. It had been stopped by the tremendous majority of votes against the high rates of the Payne-Aldrich bill. William Howard Taft on his platform of high tariff and the Payne-Aldrich bill, which carried an average ad valorem rate of 36 per cent, succeeded in carrying only two little States in the Union—Vermont and Utah—as I remember it.

And so the high-tariff propaganda died except in the little States of Utah and Vermont. Years have passed since then, another generation has made its appearance, and again these gentlemen hark back to the high tariff-wall speeches. The gentleman from Ohio wants a tariff wall built around this country so high that nothing can come in. He wants that in the interest of American labor. Well, you have practically got that now in the Fordney-McCumber law. The gentleman from Ohio ought to be satisfied with the law we now have.

Why, we import now only 4.77 per cent of our entire consumption in this country. That includes articles that come in on the free list. It includes wool, and we must bring in wool or freeze in the winter time in this North Temperate Zone. That includes also tropical products—pepper, spices, which we do not produce at all in this country.

Leaving out the things that we do not produce in this country, and must import, the gentleman from Ohio will find that we import considerably less than 4 per cent of the amount we consume, including the free list. Leaving out the free list the gentleman will find that we import into this country of articles upon which we impose a tariff less than 3 per cent of the amount that we actually consume.

These gentleman want a tariff law now that will keep out that 3 per cent—$3 out of every $100 of consumption—because that is too much for them. Well, you have got a bill here that will almost do it.

Now, the Payne-Aldrich bill, which disrupted the Republican Party and left them with only two little States, imposed a tariff of 36 per cent. That, of course, was followed by the Underwood bill, which imposed an average ad valorem of 21 per cent. That was not a low tariff compared with the other tariffs in the world at that time. The Underwood bill, with an average ad valorem of 21 per cent, was the highest in the world, higher than Russia, which was second. Then there followed a period of real prosperity.

During the time the Underwood bill was in operation the farmers saved up some money. They have spent it now, under the Fordney-McCumber Act, and are moving away from the farms, and the farms are being abandoned. We got the Republican régime in again, and they imposed, in the present law, the Fordney-McCumber Act, a tariff of 34.61 per cent, or almost as high as the Payne-Aldrich bill, and that is the tariff which they want now to make still higher, and when this present Grundy tariff bill passed the House it imposed an average ad valorem duty of 43.15 per cent. The Senate pared it down until it imposed a tariff of 40.34 per cent, and according to the speeches made to-day nobody knows what this tariff bill means at the present time. The conferees have gone through both bills and have picked out the highest rates—these gentlemen for whom the clock of progress has stopped—and have worked them into this bill, and we are asked to vote for it to-day. It may be higher, when reduced to an equivalent ad valorem average, than the bill was when it left the House. All the nations of the world, and dependencies—135 of them—authorized to impose tariffs have raised their rates, and they have all raised them since the Fordney-McCumber tariff act went into effect. They all raised them in order to retaliate against us, and to shut out our goods if they could. They have been doing it, and after this present bill passes—and, of course, you are going to pass it and, of course, it is going to be signed by the President; he will not veto it, although it grossly violates his instructions to the Congress at the opening of the extra session—they will be authorized to raise their tariff rates still higher. They have done it until our exports are decreasing and our imports are decreasing and our factories are closing, while 3,000,000 unemployed walk the streets of our cities. For the first time since the Republican administration went out of business with the beginning of the Wilson administration, we have in our streets ever-lengthening bread lines of unemployed.

Mr. MANLOVE. Mr. Speaker, will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. MANLOVE. That is the first time probably since the Wilson administration, because, outside of the period of the war, we had it practically all of the time during the Wilson administration.

Mr. HENRY T. RAINEY. Mr. Speaker, I did not quite get that inquiry, but I have no doubt it is a very apt remark. I did not hear it and so can not reply to it. There were no bread lines when the Wilson administration was in control. In response to a suggestion from one of my colleagues that some of these protected industries had been profiting to the extent of 182 per cent a year under the present tariff, my colleague from New York, Doctor CROWTHER, vigorously replied, "What if they did? They have a right to prosper, no man can be the enemy of successful business, their prosperity is due to labor-saving machinery and good will and to the excellent management the companies have received." If that is true, if that is the occasion for these tremendous dividends and stock dividends which occurred in recent years, then why add to the profit by giving them this additional opportunity to levy their oppressive taxes further upon the consumers of the country? Because they have prospered to the extent of 182 per cent on account of the elements to which the gentleman calls attention, why help them further by this artificial method in their effort to weld the shackles of slavery upon the consumers of the country?

Take sugar. I understand that the gentleman from New York [Mr. CROWTHER] wants to keep up the high tariff on sugar and make it higher and higher until we have had an opportunity to make sugar in this country out of artichokes. I have heard that a chemist has discovered that you can make sugar out of wood pulp, and I have heard that another chemist has discovered that you can make sugar out of weeds. Why not keep up this oppressive tariff, this levy on the breakfast and dinner table of the people, until we can make sugar out of weeds a hundred years from now or a thousand years from now. Our sugar tariff in this country increases the cost of living to an unbelievable degree. Divide the total increase in the cost of living occasioned by the sugar tariff in this country by 800,000, which is the number of acres in sugar beets and sugarcane, and you find the levy on the people of the United States is $300 per year for every acre in sugarcane and sugar beets.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. HAWLEY. Mr. Speaker, we will vote in a few minutes on the adoption of that part of the conference report upon which the conferees have agreed. This conference report covers nearly all of the items of importance that were in dispute between the two Houses. Several items were reserved for a special vote by the House and several by the Senate, but the number all together of such items is small. I make this statement for those who may be new in the House, that this vote we are about to take covers all the schedules. Every schedule is affected—agriculture, earthenware, wool, metals, and all the others—and a vote against the conference report is a vote against each and every schedule on which we have reported a conference agreement.

The purpose of this tariff readjustment as it was originally planned has been carried out. It was to make an all-American protective tariff, covering every section of the United States without respect to political affiliation, character of products, or anything else. It was to make a law that would maintain a uniform and even prosperity throughout the country, to make us a self-contained and a self-sustaining Nation.

Never before in the history of this country, not even under the administrations of our friends the Democrats, has the South, both for its agriculture, its industry, its labor, and every other activity producing wealth and enjoyment, received that degree of protection which is contained in this bill.

There is another element that received our very deepest and most careful consideration, namely, the employment of our people. That is a growing problem. We are increasing in numbers very materially from decade to decade. A government would be remiss in its duty that did not, so far as legislation may, protect the people in obtaining that employment necessary for their subsistence, comfort, and betterment. [Applause.]

In all the things that we buy and consume, from this desk before me to the clothing we wear and the food we eat, the houses in which we dwell, and every other material thing that we possess or use—in all these things the greatest factor in their production is the labor cost. [Applause.] Protection to the manufacturer is one item only in the tariff consideration. Protection to the men who work and support their families by their work is a more material consideration—2 to 1. [Applause.]

There are some 27,000,000 of our people who derive their daily livelihood by being on some one's pay roll, and with their families they make up more than one-half of our population. They are dependent on things done in this country. [Applause.] They are dependent on things grown in this country, things made in this country; and everything that is brought in from abroad that we could make here reasonably is a diminution of their opportunity in obtaining a saving wage.

Moreover, the agricultural interests are bound up with the interests of labor. The laborers in the mines, factories, shops, and in the mills consume the greater proportion of what the agriculturist produces. Their heavy work, demanding physical strength, requires them to eat more of food, and more substantial food. The agriculturist sells about 85 per cent of his product in this country, and of that 85 per cent which he sells here he probably sells more than 80 per cent of it to labor; and if labor is not employed, the farmers, as a general class, have lost their best market, their cash market, their immediate market. [Applause.]

We have taken better care of agriculture in this bill than in any other bill. The interests of agriculture have been taken into consideration in the agricultural—tobacco, wool, sugar, and cotton—schedules, and the rates on the products enumerated in them are the highest ad valorem rates in the bill, and higher than in any previous tariff act. [Applause.]

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Certainly.

Mr. CRISP. The gentleman from Oregon is always frank, and I agree with him that in this bill agriculture has the highest rates we ever had in a tariff bill. Does my friend claim that the tariff on a commodity of which there is an exportable surplus is effective?

Mr. HAWLEY. In my judgment in most cases it is. The degree will vary.

Mr. CRISP. Is it so in the case of wheat and cotton?

Mr. HAWLEY. Some years ago I made a careful study of the question, and as to wheat for the year under investigation I found that the farmer derived the advantage of the full amount of the tariff as against imports of wheat from Canada. It is not possible to make any general answer without an investigation of the conditions and the course of the markets. I would like first to carefully collate the facts and figures and examine the economic conditions. Generalizations made for cursory examinations or inadequate data are usually incorrect or misleading. But as the market fluctuates the effectiveness of the tariff increases or decreases. There are times when the tariff is temporarily not effective and then there are other times when it is fully effective. It depends on the state of the market. But, generally speaking, taking into consideration the observations I have just made, farmers have realized very material benefits from the tariff, even on their surplus products.

Mr. CRISP. Would it interfere with the gentleman's argument if I asked him another question?

Mr. HAWLEY. No; I yield to the gentleman.

Mr. CRISP. If the tariff is effective, what objection is there to the debenture, which proposes to make only 50 per cent of the tariff? If the tariff is effective, then the debenture would not apply, because it is simply optional with the President to utilize the debenture.

Mr. HAWLEY. In the brief time at my disposal I will not attempt any observations on the debenture.

Mr. CRISP. I think the gentleman is wise not to attempt any discussion of the debenture.

Mr. LEAVITT. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. LEAVITT. Is it not true that the tariff reduces the importation of wheat from Canada, interfering with our own market?

Mr. HAWLEY. There is no doubt of it.

Mr. LEAVITT. As to the hard wheat of the Northwest, of which there is no exportable surplus, the tariff has been of great benefit to our producers, has it not?

Mr. HAWLEY. Yes; and there are many other cases that might be cited.

Mr. TUCKER. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. TUCKER. Can the gentleman give us an idea of the revenue expected to be derived from this bill?

Mr. HAWLEY. The revenue varies, of course, with quantities and values of dutiable articles. But I imagine that the revenues will be somewhat increased under the pending bill. That it will have the same effect as the present law has. The nations of the world can not afford to overlook this immense cash market, which absorbs goods, wares, and commodities in infinite variety.

Mr. TUCKER. I asked the question because I have been listening to the tariff discussion since about a year from now. The tariff bill being, as I understand it, a revenue bill, I have not heard the revenue mentioned during that year.

Mr. HAWLEY. The tariff from the Republican standpoint is a legislative policy for the protection of American industry and the American laborer and the American farmer, and in the execution of that policy we necessarily collect revenue. But that is not the principal purpose of the bill.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. GREEN. I was wondering about the percentage. As to the approximate percentage of benefit to the farmer from this bill, as compared with existing law, it is my understanding that agriculture will realize 20 or 25 per cent greater advantage under this bill than under existing law.

Mr. HAWLEY. Until this bill is finally enacted into law there will be undetermined factors, and I have not yet undertaken that analysis. However, the ad valorem protection given agriculture in the pending bill is materially increased.

In conclusion, let me say ours in the greatest market in the world. We trade among ourselves every year to the extent of approximately $96,000,000,000. Our yearly trade would buy some of the greatest nations on earth. It is divided among the various occupations of our country, in proportion to their products, of course; but it has built up in this country under a protective-tariff system the richest of people, the most commercial of people, the most industrious of people—inventive, progressive, constantly making improvements for the comfort and benefit of mankind. With the brain of Edison lighting the world, and with the genius of our scientists and our leaders in labor and capital and all forms of public activity, we have attained a place in the world that accords us without a dissenting voice the greatest of all the nations. [Applause.] It was so made, so far as public policies can make a country great, by the protective tariff. [Applause.]

Under the permission given me I will later extend these remarks into a more general discussion.

I am now asking for a vote to continue that great policy to the better interest and benefit of our people. [Applause.]

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CRISP. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—years 241, nays 151, not voting 35, as follows:

[Roll No. 29]

YEAS—241

Ackerman	Eaton, Colo.	Kendall, Ky.	Seiberling
Adkins	Eaton, N. J.	Kendall, Pa.	Shaffer, Va.
Aldrich	Elliott	Ketcham	Short, Mo.
Allen	Ellis	Kiefner	Shott, W. Va.
Andresen	Englebright	Kiess	Simmons
Andrew	Estep	Kinzer	Sinclair
Arentz	Esterly	Knutson	Sloan
Aswell	Evans, Calif.	Kopp	Smith, Idaho
Bacharach	Fenn	Korell	Snow
Bachmann	Finley	Langley	Sparks
Bacon	Fitzgerald	Lankford, Va.	Speaks
Baird	Fort	Lea	Spearing
Barbour	Foss	Leavitt	Sproul, Ill.
Beedy	Free	Lehlbach	Sproul, Kans.
Beers	Freeman	Letts	Stafford
Blackburn	French	Luce	Stalker
Bohn	Garber, Okla.	McClintock, Ohio	Stobbs
Bolton	Garber, Va.	McCormack, Mass.	Stone
Bowman	Gibson	McCormick, Ill.	Strong, Kans.
Brand, Ohio	Gifford	McFadden	Strong, Pa.
Brigham	Golder	McLaughlin	Summers, Wash.
Brumm	Goodwin	McLeod	Swanson
Buckbee	Granfield	Magrady	Swick
Burdick	Green	Manlove	Swing
Burtness	Guyer	Mapes	Taber
Butler	Hadley	Martin	Taylor, Colo.
Cable	Hale	Menges	Taylor, Tenn.
Campbell, Pa.	Hall, Ill.	Merritt	Temple
Carter, Calif.	Hall, Ind.	Michaelson	Thatcher
Carter, Wyo.	Hall, N. Dak.	Michener	Thompson
Chalmers	Hancock	Miller	Thurston
Chindblom	Hardy	Montet	Tilson
Clague	Hartley	Moore, Ohio	Timberlake
Clancy	Haugen	Mouser	Tinkham
Clark, Md.	Hawley	Murphy	Treadway
Clarke, N. Y.	Hess	Nelson, Me.	Turpin
Cochran, Pa.	Hickey	Newhall	Underhill
Cole	Hill, Wash.	Niedringhaus	Vestal
Colton	Hoch	O'Connor, La.	Vincent, Mich.
Connery	Hogg	O'Connor, Okla.	Wainwright
Connolly	Holaday	Owen	Walker
Cooke	Hooper	Palmer	Wason
Cooper, Ohio	Hope	Parker	Watres
Cooper, Wis.	Hopkins	Perkins	Watson
Coyle	Houston, Del.	Pittenger	Welch, Calif.
Crail	Hudson	Pratt, Harcourt J.	Welsh, Pa.
Cramton	Hull, Morton D.	Pratt, Ruth	White
Crowther	Hull, William E.	Pritchard	Whitley
Culkin	Igoe	Purnell	Wigglesworth
Dallinger	Irwin	Ramey, Frank M.	Williamson
Darrow	Jenkins	Ramseyer	Wilson
Davenport	Johnson, Ind.	Ransley	Wolfenden
Dempsey	Johnson, Nebr.	Reece	Wolverton, N. J.
Denison	Johnson, Wash.	Reed, N. Y.	Wolverton, W. Va.
De Priest	Johnston, Mo.	Reid, Ill.	Wood
De Rouen	Jonas, N. C.	Robinson	Woodruff
Doutrich	Kading	Rogers	Wurzbach
Dowell	Kahn	Sanders, N. Y.	Yon
Drane	Kearns	Schafer, Wis.	
Dunbar	Kelly	Sears	
Dyer	Kemp	Seger	

NAYS—151

Abernethy	Byrns	Crosser	Garrett
Allgood	Campbell, Iowa	Cullen	Gasque
Almon	Canfield	Davis	Gavagan
Arnold	Cannon	Dickstein	Glover
Auf der Heide	Carley	Dominick	Goldsborough
Ayres	Cartwright	Doughton	Greenwood
Bankhead	Celler	Douglas, Ariz.	Gregory
Bell	Christgau	Douglass, Mass.	Griffin
Black	Christopherson	Doxey	Hall, Miss.
Bland	Clark, N. C.	Drewry	Halsey
Box	Cochran, Mo.	Driver	Hammer
Boylan	Collier	Edwards	Hare
Brand, Ga.	Collins	Eslick	Hastings
Briggs	Cooper, Tenn.	Evans, Mont.	Hill, Ala.
Browne	Corning	Fisher	Howard
Browning	Cox	Fitzpatrick	Huddleston
Brunner	Craddock	Fuller	Hull, Tenn.
Buchanan	Crisp	Fulmer	Hull, Wis.
Busby	Cross	Gambrill	Jeffers

Johnson, Okla.	McSwain	Patman	Somers, N. Y.
Johnson, S. Dak.	Maas	Patterson	Steagall
Johnson, Tex.	Mansfield	Peavey	Stevenson
Jones, Tex.	Mead	Pou	Sullivan, N. Y.
Kennedy	Milligan	Prall	Sumners, Tex.
Kincheloe	Montague	Quayle	Tarver
Kvale	Moore, Ky.	Quin	Tucker
LaGuardia	Moore, Va.	Ragon	Underwood
Lambertson	Morehead	Rainey, Henry T.	Vinson, Ga.
Lanham	Nelson, Mo.	Ramspeck	Warren
Lankford, Ga.	Nelson, Wis.	Rankin	Whitehead
Larsen	Nolan	Rayburn	Whittington
Lindsay	Norton	Romjue	Williams
Linthicum	O'Connell, N. Y.	Rutherford	Wingo
Lozier	O'Connor, N. Y.	Sabath	Woodrum
McClintic, Okla.	Oldfield	Sanders, Tex.	Wright
McDuffie	Oliver, Ala.	Sandlin	
McKeown	Oliver, N. Y.	Schneider	
McMillan	Palmisano	Selvig	
McReynolds	Parks	Smith, W. Va.	

NOT VOTING—35

Beck	Garner	Lampert	Simms
Bloom	Graham	Leech	Sirovich
Britten	Hoffman	Ludlow	Snell
Chase	Hudspeth	Mooney	Stedman
Curry	James	Morgan	Sullivan, Pa.
Dickinson	Johnson, Ill.	O'Connell, R. I.	Wyant
Doyle	Kerr	Porter	Yates
Fish	Kunz	Rowbottom	Zihlman
Frear	Kurtz	Shreve	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Snell (for) with Mr. Garner (against).
Mr. Shreve (for) with Mr. Mooney (against).
Mr. Ludlow (for) with Mr. Bloom (against).
Mr. Dickinson (for) with Mr. Kunz (against).
Mr. Porter (for) with Mr. Sirovich (against).
Mr. Britten (for) with Mr. Stedman (against).
Mr. Beck (for) with Mr. Kerr (against).
Mr. Graham (for) with Mr. Hammer (against).

General pairs until further notice:

Mr. Wyant with Mr. O'Connell of Rhode Island.
Mr. Johnson of Illinois with Mr. Doyle.
Mr. Leech with Mr. Hudspeth.

The result of the vote was announced as above recorded.

CONFERENCE REPORT—TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS

Mr. WOOD, chairman of the Committee on Appropriations, submitted the following conference report on the bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 16, 21, and 22.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, and 23, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert $1,634,480; and the Senate agree to the same.

WILL R. WOOD,
M. H. THATCHER,
JOSEPH W. BYRNS,
Managers on the part of the House.

L. C. PHIPPS,
T. L. ODDIE,
W. B. PINE,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes, submit the following statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

TREASURY DEPARTMENT

On Nos. 1, 2, and 3, relating to the purchase of typewriters: Provides for the purchase of typewriters distinctively quiet in operation at the price limitations proposed by the Senate and eliminates the restriction proposed by the House bill that purchase of such machines during the fiscal year 1931 shall not exceed 5 per cent of the total number of standard typewriters bought during the year by any department or establishment.

On No. 4: Strikes out the appropriation of $50,000, inserted by the Senate, for allowances to officers and employees of the Customs Service stationed abroad for living quarters, heat, and light.

On No. 5: Makes a technical correction in the text of the bill.

On Nos. 6, 7, and 8, relating to the mints and assay offices: Restores the offices at Carson City, Boise, Helena, and Salt Lake City, which had been left out of the House bill, but in so restoring them makes the following eliminations in the allocations for each office: Carson City, a watchman at $1,440; Boise, a helper at $1,560 and a laborer at $1,080; Helena, a helper-janitor at $1,440.

On No. 9: Increases the limit of cost for the Denver (Colo.) customhouse, etc., from $1,060,000 to $1,235,000, as proposed by the Senate.

POST OFFICE DEPARTMENT

On Nos. 10, 11, 12, and 13, relating to salaries for the offices of Assistants Postmaster General: Appropriates $526,860, as proposed by the Senate, instead of $525,860, as proposed by the House, for the First Assistant's office; appropriates $409,180, as proposed by the Senate, instead of $408,180, as proposed by the House, for the Second Assistant's office; appropriates $752,010, as proposed by the Senate, instead of $751,010, as proposed by House, for the Third Assistant's office, and appropriates $314,270, as proposed by the Senate, instead of $313,270, as proposed by the House, for the Fourth Assistant's office.

On No. 14: Appropriates $2,370,000, as proposed by the Senate, instead of $2,300,000, as proposed by the House, for miscellaneous items in connection with first and second class offices.

On No. 15: Appropriates $1,375,000, as proposed by the Senate, instead of $1,350,000, as proposed by the House, for car fare and bicycle allowance.

On No. 16: Appropriates $130,500,000, as proposed by the House, instead of $131,455,000, as proposed by the Senate, for pay of letter carriers, City Delivery Service.

On No. 17: Appropriates $9,500,000, as proposed by the Senate, instead of $9,750,000, as proposed by the House, for fees to special-delivery messengers.

On Nos. 18, 19, and 20, relating to foreign air mail contracts: Increases the appropriation for carrying foreign mail by aircraft from $5,100,000 to $6,600,000, as proposed by the Senate, and limits to $7,000,000, as proposed by the Senate, the amount of obligations for the fiscal year 1932 which may be created under all contracts to be entered into during the fiscal year 1931 under such sum of $6,600,000.

On Nos. 21 and 22, relating to equipment and furniture for post offices in leased quarters: Makes the appropriation for equipment and supplies available for the purchase of equipment and furniture without limitation, as proposed by the House, instead of limiting the amount to be available for purposes of purchase, as proposed by the Senate.

On No. 23: Appropriates $18,710,000, as proposed by the Senate, instead of $18,770,000, as proposed by the House, for rent, light, and fuel for first, second, and third class post offices.

WILL R. WOOD,
M. H. THATCHER,
JOSEPH W. BYRNS,
Managers on the part of the House.

STATEMENT OF MR. GARNER

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this time a statement of less than four lines by the gentleman from Texas [Mr. GARNER], stating how he would vote on the tariff matters.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COLLIER. The statement is as follows: The gentleman from Texas [Mr. GARNER] would vote for the Senate amendment on sugar, cement—both instances—shingles, flexibility, and debenture. Vote for House provision on lumber. Against the conference report.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8531) entitled "An

act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes."

THE TARIFF

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that amendments 195 and 893, both pertaining to the duty on cement, may be considered together and at the same time; that there be two hours' debate on these two items, one half to be controlled by the gentleman from Mississippi [Mr. COLLIER] and the other half by myself.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent that amendments 195 and 893, pertaining to cement, may be considered together, and asks at the same time that there be two hours' debate on these items, one half of the time to be controlled by himself and the other half by the gentleman from Mississippi [Mr. COLLIER]. Is there objection?

Mr. COLLIER. Mr. Speaker, reserving the right to object, I am going to ask a question concerning which I have already spoken to the gentleman from Oregon [Mr. HAWLEY]. Is it the intention of the gentleman from Oregon to finish the cement schedule this afternoon?

Mr. HAWLEY. We are going to endeavor to finish it to-night. There will be two votes, one on the dutiable item and another vote on the so-called Blease amendment.

Mr. COLLIER. Is it the intention of the gentleman from Oregon to finish the debate and then vote whenever we meet again?

Mr. HAWLEY. We will endeavor to pass it to-night.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the two amendments.

The Clerk read as follows:

Amendment 195: Page 40, line 10, strike out "8 cents" and insert "6 cents."

Amendment 843: On page 266 insert a new paragraph after line 2, reading as follows:

"PAR. 1642. Cement or cement clinker: Roman, Portland, and other hydraulic, imported by or for the use of, or for sale to, a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes."

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] is recognized for one hour, and the gentleman from Mississippi [Mr. COLLIER] is recognized for one hour.

Mr. RAMSEYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAMSEYER. Are these two hours to be taken up in the way of general debate, or are we to have the motions made now and be pending?

The SPEAKER. The Chair understands from the request of the gentleman from Oregon that the two amendments will be debated for two hours, after which it will be in order to make the suitable motions, and the motions will not be debatable.

Mr. CRISP. The Speaker has answered the question I was going to ask. We have an agreement to debate the two amendments for two hours. Would it not be more orderly and better parliamentary procedure to have the respective motions entered now so that the motions would be pending while the debate is going on?

The SPEAKER. The Chair is inclined to think that would be the better procedure, but that was not the request of the gentleman from Oregon. The Chair thinks it would be in order to recognize the gentleman from Oregon to make such motion as he pleased, and then the Chair would recognize the gentleman from Mississippi to make a motion which might or might not be of higher precedence. The Chair will request the gentleman from Oregon to make the motions he intends to make and then the two propositions will be debated for two hours.

Mr. HAWLEY. Mr. Speaker, on behalf of the majority of the House members of the conference, I move that the House recede from its disagreement on amendment 195 and concur in the Senate amendment.

The SPEAKER. The gentleman from Oregon moves that the House recede and concur in Senate amendment No. 195.

Mr. HAWLEY. On amendment 893, I move that the House insist on its disagreement to the Senate amendment.

The SPEAKER. The gentleman from Oregon moves that on amendment No. 893 the House insist on its disagreement to the Senate amendment.

Mr. COLLIER. Mr. Speaker, I offer a preferential motion. I move that the House recede from its disagreement to Senate amendment 893 and concur in the same.

The SPEAKER. The gentleman from Mississippi moves that the House recede and concur in Senate amendment No. 893, which is a motion of higher precedence and will be voted on first. These motions will now be considered as pending, and debate will be limited to two hours.

Mr. RAMSEYER. Mr. Speaker, I desire to make an inquiry of the Chair, which may be in the nature of a parliamentary inquiry. The gentleman from Oregon [Mr. HAWLEY] controls one hour, and the gentleman from Mississippi [Mr. COLLIER] controls another hour. I think we should have an open and public understanding as to how this time is to be divided.

Mr. HAWLEY. Mr. Speaker, I will say that on this and all other motions that may be made on these disputed items, I intend to divide the time equally between those who favor the motions that the conferees present and those opposed to the motions the conferees present, but if the time is not consumed on one side or the other of the question the other side, of course, would be allowed that time, so as to use the hour. But so far as this side is concerned I propose to divide the time equally between the pros and cons.

Mr. COLLIER. Mr. Speaker, I expect to do the same thing. I expect to divide the time equally between those for and against.

The SPEAKER. The gentleman from Oregon is recognized for one hour.

Mr. HAWLEY. Mr. Speaker, I yield 10 minutes to the gentlemen from New Jersey [Mr. BACHARACH]. [Applause.]

Mr. BACHARACH. Mr. Speaker and Members of the House, now that you have heard that the conferees have agreed on the Senate rate of 6 cents it is of very little use to discuss that particular part of this amendment.

Mr. RAMSEYER. Will the gentleman yield for an inquiry?

Mr. BACHARACH. Yes.

Mr. RAMSEYER. When the gentleman says the conferees have agreed does he mean that the three persons who served as conferees have agreed as conferees or as three Members of the House?

Mr. BACHARACH. We agreed as conferees.

Mr. RAMSEYER. Well, you did not agree with the other conferees.

Mr. BACHARACH. We did not agree over there but we have agreed since.

Mr. RAMSEYER. That is, you three men got together and agreed?

Mr. BACHARACH. Yes.

Mr. RAMSEYER. I wanted that clear.

Mr. BACHARACH. The gentleman has it clear, I hope. I want to call attention to the fact that the imports of cement come from Belgium. While the imports do not amount to a great deal in percentage, yet taking the country as a whole, they do amount to a great deal, in that they affect the seaboard cities. The cities of New York, Philadelphia, Boston, Charleston, S. C., Jacksonville, and Miami are seriously affected by the imports of cement into this country. The cement industry in this country is not making the progress it did make, nor is the industry prospering, from the very fact that cement from Belgium comes into this country at a substantially lower price than it can be manufactured in this country.

Before discussing the Blease amendment, as I have stated, the imported cement comes principally from Belgium, and I am going to quote to you the price of skilled labor in Belgium as contained in this document called the Monthly Labor Review, gotten out by the United States Department of Labor, for April, 1930. This shows the wage scale of machinists, electricians, plumbers, plasterers, carpenters, and men who are generally engaged in the industry. The scale of wages in Belgium for high-priced, skilled labor, computed on the basis of an 8-hour day for December, 1929, and for January of last year, when the wages were materially increased, runs from $1.40 per day to $1.60 per day. You can understand that where they have unskilled labor, such as they use in the manufacture of cement, certainly the unskilled labor must be paid about one-half of the wages of skilled mechanics. This information as to unskilled labor has not been furnished me.

In this country the men working in the cement plants get on the average $4.48 per day. Assuming the wage scale in Belgium is about one-half the scale for skilled mechanics, it would be about 80 cents per day.

For this reason, of course, it is impossible for the seaport towns to compete with a foreign merchandise such as cement.

The important matter which I think we are to discuss in this connection will be what is called the Blease amendment.

In the first place, I can not see any reason why a municipality, a county, or a State, or the Government should purchase cement and have it imported free when you and I would have to pay a duty if we should use imported cement.

The statement has been made that the cost of road building would be greatly decreased provided they used this imported cement. As a matter of fact, the amount of cement that goes

into a first-class road amounts to about 3,500 barrels, and if a duty of 6 cents a hundred for a 380-pound barrel of cement were added, it would amount to $700 or $800 per mile, and certainly it should be worth this much to have this merchandise protected, when there are 35 States affected by this particular Blease amendment, especially when we can produce and will produce an ample amount of this material for use by the Government and the cities and the counties if we provide proper protection.

The export business of this industry has been practically eliminated.

After very careful consideration on the part of the subcommittee of the Ways and Means Committee handling the free-list schedule it was recommended that Portland cement should be placed on the dutiable list. The matter was then referred to the subcommittee handling the earth and earthenware schedule, and after due consideration by that committee the rate agreed upon was 8 cents per hundred. This was agreed to by the full committee and finally adopted by the House.

The Senate finally agreed upon a rate of 6 cents per hundred, but also accepted what is known as the Blease amendment, which puts cement on the free list when imported for the use of or for sale to a State, county, or political subdivision thereof for public purposes.

The majority conferees on the part of the House agreed to accept the Senate rate of 6 cents per hundred but refused to agree to the Blease amendment, and we therefore come to the House for concurrence in the action of the majority conferees.

Since we have agreed upon the lower rate, it is not necessary for me to dwell upon the action of the conferees in that respect, but I do want to take up a few minutes on the Blease amendment, which your conferees have refused to agree to.

The distinction embodied in this amendment between cement imported for private uses and cement imported for public uses presents a new principle in tariff legislation never before attempted—a principle which is subversive of the policy of a protective tariff, and fraught with consequences which can not be foreseen or foretold at this time—and to my mind it is highly objectionable from every standpoint.

It is illogical in the extreme to require a private consumer to pay a duty on cement—or any other article—which would be admitted free if it were imported by the Federal Government or a State government or any political subdivision thereof. The public improvements for which cement would be imported under this amendment are paid for by the taxes levied on American industries and American workers.

The same distinction between public and private purposes might equally well be applied to other imports. If cement imported for public purposes is to be admitted free, why should not all other articles imported by the Government be relieved of duty—such articles as structural steel for public buildings, cloth for military uniforms, or farm produce for the Army and Navy and public institutions?

The only distinction of this character that has been made in tariff laws in the past was the provision which permitted the importation of certain scientific utensils and instruments when used for educational purposes, and that provision was eliminated in the act of 1922 because it took away from American manufacturers and American workmen about 60 per cent of the domestic market. Under the present law we do admit certain objects of art free of duty when they are more than 100 years old and come under the classification of antiques. There is absolutely no precedent for the exception contemplated by the Blease amendment for the application of the duty-free privilege when applied to commercial products for commercial uses.

The adoption of this amendment would result in taking away from the domestic industry a considerable part of their business. There is no way by which this could be avoided under the almost universal requirement covering all public contracts that such contracts shall be given to the lowest bidder. The domestic companies would have to underbid the importers for the discretion allowed officials in determining the responsibility of bidders is not sufficiently broad to permit the giving of contracts to American companies solely because of their nationality. I think it is generally well known and understood that the domestic industry can not meet the price of imported cement.

I am reliably informed that for the past several years from 33 per cent to 35 per cent of imported cement has been used in the building of roads, streets, and alleys, and from 17 per cent to 20 per cent additional is used in public work of various kinds, make the total of imported cement used in public work between 50 and 55 per cent. This does not take into consideration the cement used in semipublic work; that is, in work where the expense is divided between railroads and municipalities, and so forth.

There is a further objection to the adoption of this amendment from the standpoint of administration. No power is given to the Secretary of the Treasury to make regulations for the proper administration of this provision of the act should it become law. To my mind, it opens up a new "racketeering" game, and we will soon have a new addition to the "bootlegger" family—the "cement bootlegger."

There is no way, so far as I have been able to determine, just how cement which has been admitted free for public purposes can be earmarked and followed through to its final destination, and it would be a very easy matter to divert cement ostensibly imported for public purposes free of duty into private channels.

The Blease amendment vitiates the relief which we seek to give to the domestic industry under paragraph 205, where we impose a duty of 6 cents per hundred pounds. The effect of the Blease amendment would be to make this rate of little or no value whatever, so far as protection to the domestic industry is concerned. If you want to give protection to the cement industry there is only one way to do it under the circumstances which confront us, and that is to vote down the Blease amendment.

Mr. McSWAIN. Will the gentleman yield for a question?

Mr. BACHARACH. Yes.

Mr. McSWAIN. Did I undestand the gentleman to say that, as a matter of fact, if the so-called Blease amendment was adopted, it would save about $800 per mile in road construction?

Mr. BACHARACH. Provided they used the imported cement.

Mr. McSWAIN. Yes; I thank the gentleman.

Mr. BACHARACH. I do not say they would save that unless they used the imported cement.

Mr. WILLIAM E. HULL. And that would apply only to the seaboard States and would not apply to the inland States.

Mr. BACHARACH. It could not apply to those States, because it is almost impossible to take cement a farther distance than 150 miles without coming in competition with some inland plants.

Mr. LANKFORD of Virginia. If the gentleman will permit, I would like to call the gentleman's attention to a clipping which I cut from a Norfolk paper a few days ago, stating that the Norfolk cement plants have suspended operations for two months as a direct result of the foreign importation of cement into that seaboard city.

Mr. KETCHAM. Will the gentleman yield?

Mr. BACHARACH. Yes.

Mr. KETCHAM. Will the gentleman please take a moment to indicate to the House how this tariff could possibly affect the price of cement in the interior of the country by reason of the very heavy freight rates that would naturally prevent its importation to any great extent into the inland part of the country?

Mr. BACHARACH. Of course, personally, I do not believe it would affect the price of cement, no matter what the rate of duty might be, if it was inland, because, as I have said, farther than 150 miles from the seaboard I believe it is impossible for them to ship cement to any advantage.

Mr. KETCHAM. The freight rate would more than counterbalance any increase of the tariff?

Mr. BACHARACH. Yes.

Mr. LaGUARDIA. But it will affect the price of cement along the coast.

Mr. BACHARACH. Of course, it is a question whether it does or not. Of course, my own theory about such imports and protection is different from that of the gentleman.

Mr. PERKINS. Will the gentleman yield?

Mr. BACHARACH. Yes.

Mr. PERKINS. The suggestion has been made that it will save a certain amount of money per mile in the building of roads if we bring in cement free; why not bring in the labor free and save a lot more?

Mr. BACHARACH. I think the gentleman's point is well taken.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BACHARACH. Yes.

Mr. O'CONNOR of New York. Is it not a fact that in this tariff bill many of your rates, and especially the big ones, are for certain sections of the country and for certain industries in certain sections of the country?

Mr. BACHARACH. Yes; affecting particularly the gentleman's own section of the country.

Mr. COLLIER. So, when they talk about this not being worth while it will affect 35 States.

Mr. BACHARACH. That is correct. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. COLLIER. Mr. Speaker, ladies and gentlemen of the House, let us get this matter settled in our heads as to what the situation is. There are three amendments in regard to cement. The House put 8 cents a hundred pounds on cement. The Senate changed 8 cents to 6 cents a hundred pounds. The gentleman from Oregon has asked the House to recede from 8 cents and accept the 6 cents per hundred put on by the Senate. So in the vote on the motion offered by the gentleman from Oregon, the ayes will be for 6 cents and the noes will be for 8 cents. I shall vote with the gentleman from Oregon on the first amendment and for 6 cents per hundred pounds, though I would like to vote for free cement.

Then I have offered an amendment to recede on amendment 893 and concur in the Senate amendment.

Let us see what this means. I am for the Senate amendment. What is this Senate amendment? It is that cement or cement clinker—Roman, Portland, and other hydraulic—imported by or for the use of, or for sale to, a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes, should be on the free list and the tariff of either 8 or 6 cents will not apply.

What is the Senate amendment? It affects over 85 to 90 per cent of the cement in the United States. I would take off my hat in grateful acknowledgment to my good friend from Oregon for his efforts in behalf of the people of the country, thanking him for his generosity in giving us a reduction from 8 cents to 6 cents, did I not know that down in his heart he is for 8 cents and that it is a deep-laid scheme. After long consultation and many caucuses the majority members of the committee, who want 8 cents, have come to the conclusion that they are more likely to defeat the Senate amendment 983, which puts 90 per cent of the cement free, if they give in to 6 cents instead of 8 cents.

When it comes to taxing cement 6 or 8 cents a hundred pounds, I am talking to-day for every class of American citizens. I am talking in the interests of those great corporations who build railroads, who build bridges, who build skyscrapers, and I am also talking in the interest of the humbler citizen who is trying to build a modest home for his wife and his children. I am talking for the community that is raising funds to build a church and which is heavily taxed for the building and upkeep of their county highways. I am talking in the interest of city and town in America where the citizens are taxed in keeping up their streets. I am talking in the interest of the public where it has to build State institutions, such as hospitals, institutions for the blind, the indigent, and the insane, and other State buildings. I am talking in the interest of the Federal Government, for we have a building program that will run up into the hundreds of millions of dollars. I am speaking to-day, my friends, for every class and condition of our people.

It will be contended that this amendment does not affect the man who builds a home.

But when that man goes to the courthouse to pay his taxes, after they have taxed every road $870 to $1,250 a mile because of this increase on cement, when that man who has to build a house with cement foundation goes to the courthouse to pay his taxes he will find how much extra he has had to pay on that house because of the additional cost of the roads and streets which have to be built and paid for by his taxes.

I want to answer one thing that has been argued here by my good friend from New Jersey [Mr. BACHARACH] and several others.

I feel sorry for Mr. BACHARACH, because he seems to be the only man in the House for 8 cents instead of 6 cents. I think he has been left out of the secret conference which has been going on.

I want to answer the argument made by him and others, why should the Federal Government, why should a State or county or parish or any municipality be permitted to have an exemption from duty on a specific article when a citizen will have to pay the duty?

Mr. BACHARACH. Will the gentleman yield?

Mr. COLLIER. I will yield.

Mr. BACHARACH. The gentleman wants to be accurate?

Mr. COLLIER. I certainly do.

Mr. BACHARACH. The gentleman said that the difference in cost would be $850 to $1,250 a mile—it is only about $750.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. COLLIER. I yield.

Mr. WILLIAM E. HULL. Would it make any difference in the cost of a road in Mississippi?

Mr. COLLIER. Eight hundred and some-odd dollars on each mile.

Mr. WILLIAM E. HULL. In Mississippi?

Mr. COLLIER. Why do you put this tariff on if it will not raise the price of cement?

Mr. WILLIAM E. HULL. I contend that it does not raise the price, except on the coast.

Mr. COLLIER. And I contend that it does. There is an issue joined between us right there. Here is one answer to the question as to why it is that the Government gets it free and the individual does not. There is precedent for it. It has in many instances been the law. In the Thirty-eighth United States Statutes at Large, page 389, title 34, section 568, there is the following provision:

> That hereafter the Secretary of the Navy is hereby authorized to make emergency purchases of war material abroad: *And provided further*, That when such purchases are made abroad they shall come in free of duty.

If the Federal Government has been given this exemption, why not the State, the county, the municipality? The finance of all these political divisions and subdivisions are raised by taxing the people.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. JOHNSON of Washington. And that law which permits the Navy to do that is supposed to be an emergency law, but I would like to have the Navy stopped from buying Argentine beef for sailors, and we are going to do it, I hope.

Mr. COLLIER. I trust the gentleman in his lifetime will have one of his hopes realized. In the act of 1922 cement was free. Let us see something about the domestic production of cement. We will go back to 1923.

Domestic production of cement

	Production	Imports	Exports
	Barrels	*Barrels*	*Barrels*
1923	137,460,238	1,678,481	1,001,688
1924	149,358,109	2,010,936	878,543
1925	161,658,901	3,655,067	1,019,597
1926	164,530,170	3,232,386	974,326
1927	173,206,513	2,049,930	816,726
1928	176,195,488	2,286,177	824,657
1929	[1] 170,198,000	1,720,273	885,321

[1] Portland cement only.

Ratio of imports to domestic production

	Per cent
1923	1.21
1924	1.35
1925	2.26
1926	1.56
1927	1.18
1928	1.30
1929	1.01

Let us analyze these figures for the last three years. In 1927 the ratio of imports to domestic production was 1.18 pounds for every 100 pounds produced in this country, and in 1928, 1.30, and in 1929, 170,000,000 barrels of cement were produced in this country, and the ratio to that of cement that was brought into the country was 1.01 pounds for every 100 pounds produced in this country.

Mr. LANKFORD of Virginia. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. LANKFORD of Virginia. The gentleman's figures are for the production of the whole country?

Mr. COLLIER. My figures came from the Bureau of Public Roads.

Mr. LANKFORD of Virginia. Can the gentleman separate the seaboard production from the whole country?

Mr. COLLIER. We might as well settle that right now. The Lehigh Portland Cement Co. sold about 85 to 90 per cent of the cement sold in the State of New York, and the freight rates on the Lehigh Co. are less to the city of New York, where the bulk is sold, from the Lehigh plant, according to the figures that I have here, than are the freight rates from Belgium to New York, and it costs Belgium more to bring cement to the port of New York than it does the Lehigh Co., and yet they say they want to tax all the rest of the country on account of the Lehigh Co. being unable to compete with Belgium on account of cheap freight rates. Let me say this to those people who seem to be so disturbed about the cement companies and think that they are going to be ruined. I shall read you here some of the stock dividends. The Lehigh Portland Cement Co. was organized in 1899, and it paid, including 1928, on an average 6 per cent on its common stock, and during the same period it has also paid a surplus of 473 per cent in common stock, equal to $17,748,150, and in 1928, 100 per cent in 7 per cent cumulative or preferred stock, equal to $22,517,000, and yet they want

a tax of 6 cents per 100 pounds for cement, so as to increase the dividends of that tremendous organization.

Let us now take the Atlas Co. During the years 1920–1924 they did not do so well, because their stock dividends in those years amounted to only 92½ per cent. The dividends have also been paid regularly since 1928, and during the years 1920 to 1923, inclusive, the Atlas Cement Co. has paid a total of 150 per cent in stock dividends. I think that answers the gentleman on those figures. The price of cement is fixed. The cement plants should be investigated. They all offer the same price and agree among themselves as to what they will charge.

I will read a letter that I have received, or an extract from a letter, from my own State which was given me. It was not sent to me:

As I understand, the new tariff bill proposes a duty of 30 cents per barrel on cement. When we came to buy our cement for our work on the Gulf coast the American companies were all very firm in their price, all quoting exactly the same price, which was considerably higher than I could import it from Europe. They held the price very firm, thinking I would not use foreign cement, until they found that I had asked the engineer to make preparations to test foreign cement. Within a few hours after learning this I had wires and phone calls from different mills quoting a price enough lower than they had been asking so that I could not afford to bother with the hindrances and delays that might occur in importing cement in shiploads. The price made at that time was some 60 cents per barrel lower than they were selling cement for within a few miles of their plant at Birmingham, Ala.

The cement industry is now controlled by a very few groups, and prices are arbitrarily fixed through a "gentlemen's agreement" between the heads of groups.

I see no reason why the State of Mississippi or other tidewater States should pay tribute to the cement people. My work takes me into many different parts of the United States, and I have had opportunity to see the working of the cement business at many different points and ways. While as a contractor it does not affect me particularly, as we would simply add in the extra cost of material on the work we bid on, I see no reason why the industrial groups should benefit so greatly at the expense of the rest of the people of the United States.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield there?

Mr. COLLIER. Mr. Speaker, how much time have I?

The SPEAKER pro tempore (Mr. ACKERMAN). The gentleman has 15 minutes.

Mr. BURTNESS. I will say to the gentleman that I am in thorough sympathy with his position, but what bothers me is whether the Blease amendment can be administered. Will it be possible for the department to administer that amendment so as to carry out its full intent?

Mr. COLLIER. I think I can answer that.

Mr. BURTNESS. I hope you can.

Mr. COLLIER. Ever since 1921–22 I have heard from the Republican Members on the floor of this House that, second to Alexander Hamilton, the greatest Secretary of the Treasury that ever lived was Uncle Andy Mellon. I may add that when it comes to business if he wants to administer this law, if he is honestly in favor of this law, may the Lord help these cement fellows on the other side trying to beat it. [Applause.]

Mr. BURTNESS. I assume that the amendment is put in on the theory that our roads and public buildings would be benefited. What will be the effect on the jobs which are let out by contract? What position is the contractor in who is going to submit a bid on a cement highway or a courthouse or something like that? What knowledge will he have at the time that he submits the bid whether he can obtain foreign cement without duty at a specific price so that the public can get the advantage of that lower price?

Mr. COLLIER. He will have the same advantage that everyone else will have as to the price of cement.

Mr. BURTNESS. If the contractor makes a bid, say, on a highway of 30 miles, when he submits his bid to the highway commission, will he deduct 6 cents a hundred pounds from the domestic price?

Mr. COLLIER. Ninety per cent of the cement that will be used will probably come under this provision. Of course, the price will be fixed. One Member told me that if a man starts to build a road, and a railroad runs across it twice, and there would have to be a few yards of cement paving at those crossings. Suppose that would happen. Suppose it would. It would amount to nothing if it did.

Mr. PARKER. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. PARKER. I would like to ask the gentleman if he considers it good public policy to use a product produced in a foreign country which may be produced in this country, and let industries in our own country come to a standstill?

Mr. COLLIER. I am going first to let Judge CRISP answer the gentleman from South Dakota. I say that with all due respect to the gentleman. I will try to answer him later.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. CRISP. I would like to attempt to answer the question of the gentleman from North Dakota. I would like to have the gentleman's attention. I want to attempt to answer the question he propounded to the gentleman from Mississippi. I do not know whether it will be a satisfactory answer or not. In the framing of a tariff bill we always follow this practice. The law does not prescribe the manner or method in which goods shall be imported to the United States or cleared from the customhouse.

The law simply prescribes the rates. The Treasury Department makes the rules and regulations governing the admission of goods. For instance, for years there has been a provision in the tariff bill under which antiques come in free from abroad, and in such cases the importer has to meet the requirements of the Treasury Department proving they are over 100 years old before he can clear the goods from the customhouse and have the goods come in free. I understand the same policy will be pursued here, and that the Treasury Department will make rules and regulations and see to it that no cement comes in free of duty except in accordance with the law, and will see to it that that cement will be used only for public purposes.

Mr. PARKER. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. PARKER. I want to ask the gentleman if he subscribes to this general principle, that all public buildings and public improvements shall be built with foreign-made material if it is cheaper than the domestic material? That is a fair question under the circumstances, perfectly fair.

Mr. COLLIER. I want to say to the gentleman that I hope I am as patriotic as he is. But I want to say to him that I am not going to burn up all the people in the United States in order to allow you people to get away on a platitude like that.

Mr. PARKER. I ask you that question in all fairness.

Mr. COLLIER. Of course I am for my country first, last, and all the time. [Applause.]

Mr. BOWMAN. Will the gentleman yield for a question?

Mr. COLLIER. I yield.

Mr. BOWMAN. Is there any commodity or article now admitted free under the present tariff law for the Government which has a duty for the individual?

Mr. COLLIER. I do not know whether there is or not, but I hope there will be by this time to-morrow.

Mr. BOWMAN. The Blease amendment, then, would establish a precedent?

Mr. COLLIER. As far as I know, it may. I do not know.

Mr. SABATH. Will the gentleman yield?

Mr. COLLIER. I yield to my friend from Illinois.

Mr. SABATH. I have listened carefully to the report which the gentleman has read as to the dividends of the various corporations manufacturing cement. In some instances the dividends amounted to 400 or 500 per cent in addition to the regular payment of dividends. I have also listened to the letter which the gentleman has read, showing that when they quoted prices, whether one company or the other, they always quote the same price.

Mr. COLLIER. The gentleman said he believed that they did.

Mr. SABATH. So that there is a perfect understanding on the part of all these corporations to charge whatever price they feel the country will stand. Now, is it not believed on the part of the proponents of this amendment that if the cement for public improvements is placed on the free list there will be very little importation, but that the combination will reduce the price a few per cent to prevent importation, and that in general the country will have the benefit of that reduction?

Mr. COLLIER. Of course, it will. That will give them an excuse to put up the price.

Now, I must ask not to be interrupted further, as I want to show you what this will cost in the building of roads. I have a statement from the Bureau of Public Roads, in which it is stated that the average road in the United States, built by the State and county highway systems is 20 feet wide and 7 inches thick. On such a road there will be 3,422 barrels of cement per mile. In 1928, which is the last year for which we have the figures, there were 1,145 miles of road built by the county system and 5,908 miles built by the State and county authorities together, making a total of 7,053 miles of road. If, on every one of those roads the tariff is added to the cost of the cement on the basis of 8 cents, it will cost $1,026 per mile, and on the basis of 6 cents $769 per mile.

My friends, I am going to weaken my case to say in answer to some of you that I doubt whether the traffic will stand so

tremendous an increase, but the increase in price of cement will be great. I am going to ask you why it is, if this cement only affects the companies on the coast, that every cement company in the United States, thousands of miles away from the coast, is besieging us with letters and telegrams and asking us to vote for 8 cents, if it does not do them any good. I say that we will use on a road 20 feet wide and 7 inches thick cement which will cost $1,026 more a mile. Why are my good friends from the districts where these cement plants are located so interested, if it is not going to have any effect? That does not take into consideration a single bridge or a single curb, and that does not take into consideration a single foot of paving in any city in the United States. The streets are from 60 to 100 feet wide, and will cost from three to five times as much.

The Bureau of Public Roads of the Department of Agriculture reports that in 1928 there were constructed by the State highway systems 5,908 miles of concrete roads, and by the local county systems 1,145 miles of concrete roads, or a total of 7,053 miles.

The Bureau of Public Roads has compiled a table showing the approximate quantity of cement required per mile for concrete pavements of various widths and average depths on the basis of a mix containing 1½ barrels of cement per cubic yard of concrete, which is the approximate average mixture. The table is as follows:

Quantity of cement, in barrels, required for a mile of concrete pavement of various widths and average thicknesses

[Based upon a mix employing 1½ barrels per cubic yard of concrete]

Average thickness of pavement	Barrels of cement per mile of pavement of width—					
	16 feet	18 feet	20 feet	24 feet	30 feet	40 feet
6 inches	2,347	2,640	2,933	3,520	4,400	5,866
7 inches	2,738	3,080	3,422	4,107	5,133	6,844
8 inches	3,129	3,520	3,911	4,693	5,866	7,822
9 inches	3,520	3,960	4,400	5,280	6,600	8,800
10 inches	3,911	4,400	4,889	5,867	7,333	9,778

A barrel of cement weighs 376 pounds.

At 8 cents per 100 pounds the tariff would be 30.08 cents per barrel.

At 6 cents per 100 pounds the tariff would be 22.56 cents per barrel.

In the following tables 30 and 22½ cents is used.

This does not include curbing or bridges nor city streets. If the streets are 80 and 100 feet wide, it would cost $5,000 per mile.

I hold in my hand a letter from a great man, and one whom I believe is one of the most efficient officials in the Federal Government. I hold in my hand a letter from the Chief of Engineers of the United States Army, in which he gives some figures and statistics. He says that for the fiscal year ending June 30, 1929, for work in the engineering department of the United States alone, there was used 1,180,000 barrels of cement, which, at an average price of $1.80 per barrel, amounted to $2,125,000. I want to tell you gentlemen from the banks of the Missouri and the Arkansas, those living on the reaches of the Mississippi River, the Ohio River, and other rivers where you are troubled with floods, that the Chief of Engineers tells us that approximately 50 per cent of all the cement was used in connection with flood-control work. The Budget gives as much money as the engineers declare can be economically used, the President of the United States passes upon it, and the Appropriations Committee pare these estimates down to the last dollar, and then Congress comes in and puts on a duty of 6 cents per 100 on every barrel of that cement, and it cuts down the work which the President of the United States and the Budget Bureau and the Chief of Engineers have given to us.

The following table shows the additional cost per mile of concrete pavement of various widths and thicknesses, based upon a mix of 1½ barrels of cement per cubic yard of concrete under the 8-cent rate and under the 6-cent rate.

Additional cost per mile

Thickness	Width of pavement					
	16 feet	18 feet	20 feet	24 feet	30 feet	40 feet
Inches:						
8 cents	$704.10	$792.00	$879.90	$1,056.00	$1,320.00	$1,759.80
6 cents	528.07	594.00	659.92	792.00	990.00	1,319.85
7 inches:						
8 cents	821.40	924.00	1,026.60	1,232.10	1,539.90	2,053.20
6 cents	616.05	693.00	769.95	924.07	1,154.92	1,539.90
8 inches:						
8 cents	938.70	1,056.00	1,173.30	1,407.90	1,759.80	2,346.60
6 cents	704.02	792.00	879.97	1,055.92	1,319.85	1,759.95
9 inches:						
8 cents	1,056.00	1,188.00	1,320.00	1,584.00	1,980.00	2,640.00
6 cents	792.00	891.00	990.00	1,188.00	1,485.00	1,980.00
10 inches:						
8 cents	1,173.30	1,320.00	1,466.70	1,760.10	2,199.90	2,933.40
6 cents	879.97	990.00	1,100.02	1,320.07	1,649.92	2,200.05

Now, my friends, I am going to call on you to-day to vote for this amendment. I do it as honestly and as sincerely as anything I ever did in my life. We have an outrageous tariff on everything. They have taxed a little necklace 4,000 per cent; blankets, clothing, and other necessary articles in many instances over 100 per cent; some other things 1,500 per cent. This commodity is something that enters into the conduct of every man's life. This is something that goes into every man's home. The man on the farm who buys a little cement may think that he is not affected by it, but he is affected when he is taxed to death. The great Secretary of the Treasury has repeatedly said to our committee that one of the troubles with this country was the overbonding of the various States, counties, and municipalities, for municipal improvements which they had to have. With the amount of bonds which they have outstanding, with the amount of bonds they will have to issue to build their roads, if Congress now comes in and takes cement from the free list and places a tax of 8 or 6 cents per 100 pounds on that article it will cost the American people millions of dollars. [Applause.]

Mr. LOZIER. Will the gentleman yield?

Mr. COLLIER. I yield.

Mr. LOZIER. Is it not true that the inevitable result of the imposition of a duty on cement will be a substantial increase in the price of cement all over the United States, and, as evidence of that, is it not a fact that practically every cement-manufacturing plant in the Mississippi Valley and throughout the Nation generally has flooded the mails with letters and propaganda in support of this tariff on cement, realizing that they will ultimately receive a direct benefit from the imposition of this duty? The existence of a Cement Trust, or "gentlemen's agreement," among the cement manufacturers to maintain prices at a high level and on a noncompetitive basis can not now be seriously questioned. If this tariff is placed on cement, the builders and buyers of cement will be at the mercy of the Cement Trust. This tariff on cement will add to the cost of every building in which cement is used, and this cement tax is absolutely indefensible.

Mr. COLLIER. That is true. I want to say just this. I have here from the Bureau of Public Roads, based on 1928, a statement showing what it would cost any State in this Union to build roads. I see my good friends from California, and I want to say to them that if they build as many miles of roads in 1931 as they did in 1928 the additional tax on those roads will be $186,000,000. I want to say to the State of Illinois that if they build as many miles of roads in 1931 as they built in 1928 it will cost the State of Mr. SABATH, Mr. RAINEY, and my good friend Mr. HULL, and others $1,168,270. I want to say to you fellows from Michigan that it will cost Michigan $536,911; and where is my good friend TREADWAY?

Here is where he gets his again. It will cost Michigan $556,000, Illinois, one million and something, South Carolina, $202,000, but Massachusetts only $20,420. Mr. TREADWAY and Massachusetts and New England gets theirs coming and going. Of course, Mr. TREADWAY is for it, because it does not cost Massachusetts anything. If any Member wants to know what it will cost his State, I will give it to him. I am going to put it in the RECORD. He will find it at the end of my remarks.

Mr. KORELL. Will the gentleman yield?

Mr. COLLIER. Yes.

Mr. KORELL. The gentleman has a great deal of information upon this subject, and the House has been listening to him with a great deal of interest, but before he concludes his remarks, I want to call his attention to the fact that he still has not answered the question that the gentleman from Montana asked him a few moments ago, and which he promised the gentleman from Georgia [Mr. CRISP] would answer for him.

Mr. COLLIER. I thought he was asking another question. I will try to answer the question. It is whether I would prefer a foreign concern to do something in this country. I would not. I want Americans to do it.

Mr. PARKER. The gentleman is subscribing to the theory that we use a foreign-made article in public improvements. I ask him whether he subscribes to that principle right straight through in every respect. That is a fair question.

Mr. COLLIER. I am for the American-made product; but I will tell the gentleman this: I am not going to sting and burn the life out of my people because some fellow talks about a foreign-made product. I am not going to be like a prominent firm out in Illinois, one of the biggest farm machinery concerns, which sells certain farm machinery for $143 in Chicago to the American who brings his wagon to the door and gets it, and then ships that same machinery 3,000 miles across the water and sells it to a foreigner for about $80 or $90, and then prates patriotism and tells us we also ought to be patriotic and give him the opportunity of stinging the American people un-

der the guise of patriotism. I am not going to do that. [Applause.]

These figures are what 8 or 6 cents a barrel would cost these States in road building if they built the same number of roads in 1931 that they built in 1928. This does not take into account bridges or curbing.

State	Miles	8-cent rate	6-cent rate
Alabama	136	$139,617.60	$104,713.25
Arizona	1	1,026.60	769.95
Arkansas	50	51,330.00	38,497.50
California	182	186,841.20	140,130.90
Colorado	61	62,622.60	46,966.95
Connecticut	73	74,941.80	56,206.35
Delaware	41	42,090.60	30,567.95
Florida	28	28,744.80	21,558.60
Georgia	111	113,952.60	85,464.45
Idaho	5	5,133.00	3,849.70
Illinois	1,138	1,168,270.80	876,203.10
Indiana	392	402,427.20	301,820.40
Iowa	748	767,896.80	575,922.60
Kansas	97	99,580.20	74,685.15
Kentucky	60	61,596.00	46,197.00
Louisiana	14	14,372.40	10,779.30
Maine	12	12,319.20	9,239.40
Maryland	111	113,952.60	85,464.45
Massachusetts	20	20,532.00	15,399.00
Michigan	523	536,911.80	402,683.85
Minnesota	111	113,952.60	85,464.45
Mississippi	100	102,660.00	76,995.00
Missouri	144	147,830.40	110,872.80
Montana	4	4,106.40	3,079.80
Nebraska	5	5,133.00	3,849.75
New Hampshire	31	31,824.60	30,868.45
New Jersey	190	195,054.00	146,290.50
New Mexico	1	1,026.60	769.95
New York	705	723,753.00	542,814.75
North Carolina	313	321,325.80	241,094.35
Ohio	247	253,570.20	190,177.65
Oklahoma	118	121,138.80	90,854.10
Pennsylvania	58	59,542.80	44,657.10
Rhode Island	14	14,372.40	10,779.30
South Carolina	197	202,240.20	151,680.15
South Dakota	6	6,159.60	4,619.70
Tennessee	82	84,181.20	63,175.90
Texas	431	442,464.60	331,484.45
Utah	12	12,319.20	9,239.40
Vermont	52	53,383.20	40,037.40
Virginia	76	78,021.60	58,516.20
Washington	49	50,303.20	40,037.40
West Virginia	78	80,074.80	60,054.10
Wisconsin	226	232,011.60	174,008.70
Wyoming			

Mr. HAWLEY. Mr. Speaker, I yield eight minutes to the gentleman from New York [Mr. PARKER]. [Applause.]

Mr. PARKER. Mr. Speaker, while I believe that the duty on cement should be at least 8 cents per 100 pounds, I am going to support the suggestion of the chairman of the Ways and Means Committee to accept the Senate amendment of 6 cents per 100 pounds, not concurring in the Blease amendment, which, as you know, allows cement to come in free that is to be used in public works.

This question is entirely a local question, and I am going to try and prove to the House, for I think it can be easily demonstrated, that the freight differential makes it impossible for foreign cement to be economically used west of 200 miles from the Atlantic seaboard.

The most of the cement made in New York State is made in the districts along the Hudson River, one of which I have the honor to represent. For the sake of comparison and to prove my argument that it is a local question, I am going to use the figures from a point in my own district where there is a large cement mill, namely, Glens Falls.

The commodity rate on a carload lot of cement from Glens Falls to Boston is 15½ cents per 100 pounds. There is no commodity rate from Boston to the West on cement, and to ship that same cement back to Boston it would cost 28½ cents per 100 pounds, or on the differential of 13 cents. When you compare that with the tariff of 6 cents you will see that no cement could be shipped from Boston back to the Hudson River district for use. There is no commodity rate from New York to any point on cement.

Now, let us look at the question from Chicago: The commodity rate from Glens Falls to Chicago per carload lot is 28 cents per 100 pounds. The rate from Boston to Chicago is 47½ cents per 100 pounds; that makes a differential of 18½ cents per 100 pounds, which certainly makes a 6-cent tariff of no particular advantage to the eastern manufacturer who is shipping to Chicago in competition with foreign cement. The rate from New York to Chicago is just the same—47½ cents per 100 pounds.

The commodity rate from the large mills south of Albany is 28 cents to Chicago, and the class rate from Boston to Chicago, as I have said, is 47½ cents, so you will see in all these cases there is a differential in freight rate which entirely overcomes the 6 cents per 100 pounds that we propose to put on. The figures that I have used are not figures supplied by the cement manufacturers but figures that I secured from the Interstate Commerce Commission, my object being to try and prove that the tariff on cement meant nothing to people living more than 100 miles away from the coast—the price on cement to people living more than 100 miles from the coast will not be affected in the slightest way by the proposed tariff.

I started out by saying that this is a local issue, which it is. The cement manufacturers who are interested in this tariff are the cement manufacturers along the eastern seaboard within easy range of the seaboard cities.

For the last few years the average importation of cement has been 2,500,000 barrels, mostly from Belgium, brought in under cheap freight rates, lots of it as ballast. The total consumption along the Atlantic seaboard has been about 20,000,000 barrels, which is about 14 per cent of the cement used along the seaboard. It is very readily seen that if these manufacturers do not get some relief that the plants will have to shut down.

Foreign cement can be had in Boston for about $1.85 a barrel, and it costs the American producer in my district $2.55. The American producer has been selling cement in Boston at $2.05 per barrel, 50 cents under what it cost him to make it, believing that he would get some relief on account of the revision of the tariff; and to use Boston as an example, about one-third of all cement used in Boston last year was foreign cement.

A cement plant to be run economically must be run practically at capacity, and these eastern manufacturers have been selling cement in competition with the Belgium cement at less than cost so as to keep their plants running, and, as I have said, hoping for relief in the tariff revision.

While the 18 cents which we propose to give them will not make up all the differences, it will be a decided help.

It is illogical to require a private consumer to pay a duty on certain imports which when imported by the Government are admitted free. The public improvements for which the Government would import cement are paid for by taxes levied on American industries and American workers, including the domestic cement companies and the people employed by them. Probably the greater part of the cement used or to be used in this country in the future is for public purposes, including the construction of public buildings and highways. To facilitate the use of cheaper foreign cement in this work would inevitably result in serious injury to the American cement industry. The fallacy of the distinction between public and private purposes goes further than the mere creation of a favorite importer, since the beneficiary of the amendment passes on to the public a benefit which results paradoxically in killing or seriously harming a domestic industry which the tariff aims to protect, and in aggravating an unemployment situation which the tariff is designed to relieve.

The same distinction between public and private purposes might equally well be applied to other imports. If cement imported for public purposes is to be admitted free, why should not all other articles imported by the Government be relieved from duty? For example, structural steel for public buildings, cloth for military uniforms, or farm produce for the Army, Navy, and public institutions. Such a distinction in the past has been limited to a narrow field, including such things as works of art, books, scientific instruments, and so forth, when imported for educational, scientific, or religious purposes. The exception contemplated by the amendment is without precedent when applied to commercial products for commercial uses.

That the amendment would inevitably result in taking away from American cement companies a great part of the seaboard business and in giving it to foreign competitors is apparent from the almost universal requirement with reference to public contracts—that such contracts shall be given to the lowest bidder. American companies would be unable to meet the prices which foreign companies could quote if they wish to maintain the quality of their product and keep the wage scale of their workers at its present level. The discretion allowed to officials in determining the responsibility of bidders is not sufficiently broad to permit the giving of contracts to American companies solely because of their nationality.

Cement which has been admitted free as being for public purposes can not be earmarked as readily as can works of art or similar articles whose free admission is conditioned upon the use to which they will be put.

For the reasons outlined the amendment defeats the very purpose of the tariff, tends to create unemployment, is without precedent, and is well-nigh impossible of practical execution. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield 20 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker, ladies and gentlemen of the House, I may not take all of the time allotted me.

Every commodity in a tariff bill has a story of its own. I do not think the story of the cement situation in this country, from my standpoint at least, has yet been told, although there have been able speeches made both for and against the cement duties.

I want to tell you another thing. We have had a hard and uphill fight for separate votes on some of these items, and the way the votes go here in the next few days on these items is going to in some degree at least determine the palatability of this bill.

If the House had voted on some of these items, as some of us contended, when the matter was first up, the bill might have been law months ago instead of becoming law weeks hence, if ever. This bill is going back to the Senate. According to the statement of the chairman of the Senate Finance Committee, the bill will be in the Senate at least two weeks. Depending upon our votes here, the bill may be over in the Senate for the next two months, and I doubt whether it gets through the Senate in less than a month.

Now, what is the situation as to cement? When the bill was up before I spoke both against a duty on brick and against a duty on cement. The brick affects the Hudson River area and they say that the cement affects the Atlantic seaboard and New Orleans somewhat. For the purpose of argument I am willing to take these statements as accurate, but what is the difference in the situation relative to the brick industry and the cement industry?

No Republican here or no Democrat will contend that a protective duty is ever justified to foster monopoly. In the brick industry there is competition; there is no community of understanding among the brickmakers from the Atlantic to the Pacific. In the cement industry there is monopoly, or, to say the least, there is a community of understanding among cement companies, so that the experience of municipalities and those who buy cement time and again is the experience which I noticed in a news item from the Birmingham News in a dispatch from Nashville, Tenn. This is the item:

> Three times has the State of Tennessee advertised for bids for 117,000 barrels of cement for highway purposes and three times have bids been received. Thrice also have the bids been promptly rejected, each bid being exactly the same every time.

There is not a business man in this House who has had to buy cement or who knows of people who buy cement or of Government units that buy cement, who does not know that this is the common experience from the Atlantic to the Pacific.

Mr. SPROUL of Illinois. Will the gentleman yield?

Mr. RAMSEYER. In a moment.

This dispatch further states:

> Charles M. McCabe, commissioner for finance and taxation, announced: "We can not do business until somebody makes us a reasonable price."

The gentleman from New Jersey [Mr. BACHARACH] let the cat out of the bag when he admitted that if this duty were put on, it would cost $700 or $800 more per mile to build roads.

Mr. PARKER. Where?

Mr. RAMSEYER. I do not know where, but the gentleman said that.

Mr. BACHARACH. Will the gentleman yield?

Mr. RAMSEYER. In just a moment. When we first took up this question of a duty on cement before the Ways and Means Committee, when the first man appeared there asking for a duty on cement, I thought the gentleman from New Jersey was going to scratch his eyes out, but after he got into the subcommittee with the other gentleman from Pennsylvania who was on that subcommittee [Mr. WATSON], the Little Corporal of Pennsylvania politics, the subcommittee came out unanimously for a duty on cement of 8 cents per hundred pounds.

If I have misstated anything the gentleman said, certainly, I yield.

Mr. BACHARACH. I did not make that statement. I said it would cost $700 or $800 more per mile provided they used imported cement.

Mr. RAMSEYER. The gentleman concedes then that the duty will tend to raise the price?

Mr. BACHARACH. Oh, no; the gentleman well knows my position. The gentleman is a member of the Ways and Means Committee, and he knows the evidence before the committee was that along the seaboard this foreign cement comes in, and the statement was made that it comes in practically without any expense, coming in as ballast.

Mr. RAMSEYER. Oh, no, no.

Mr. BACHARACH. That statement was made.

Mr. RAMSEYER. We have not any cost of production at all from the local cement companies.

The tariff men tried to get the figures but there has never been any cost ascertainment of the cement mills in this country. There has been no investigation of the cost of production here and abroad. It is only guesswork. We have the statement of the fellows who want a duty on cement from abroad in order to permit them to have a monopoly on cement.

Mr. SPROUL of Illinois. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. SPROUL of Illinois. I want to say, Mr. Speaker and gentlemen, that I probably use as much cement as any firm in the United States, and when the gentleman makes the statement that there is a combination between the cement manufacturers in this country I deny that statement. I have taken the figures and my son has this last week bids from several hundred bidders on Portland cement, and there is a difference of 20 cents a barrel between the highest and the lowest. That does not show that there is any combination on cement as far as Chicago is concerned.

Mr. RAMSEYER. Well, Chicago may be a favored district, but that is not the experience of other users of cement.

Now, I want to go on, for I have only a few minutes left, and I have some other matters I want to discuss.

In regard to the cement monopoly, it has been the experience of those who have advised me that you can get bids from the cement companies, and as a general rule they have the experience that others have had, that those bids are exactly the same, just as the experience of Tennessee was recently.

Now, the United States Steel Corporation is going into the cement business. The United States Steel Corporation recently absorbed the Atlas Portland Cement Co. The United Steel Co. has had for some time the Universal Portland Cement Co. The Atlas Portland Cement Co. has an output of 19,000,000 barrels a year. The Universal Portland Cement Co. has an output of 17,300,000 barrels a year. The two together, now owned by the United States Steel Corporation—and I do not know how many others they control—have an annual output of 36,300,000 barrels, or 21 per cent of the entire production in the United States.

We hear a good deal about the Lehigh Valley Portland Cement Co., which they say feels the competition from abroad.

Mr. CROWTHER. Will the gentleman yield?

Mr. RAMSEYER. No; I have so short a time I can not yield further, and I want to get before the House the situation in the cement industry in this country.

Here is a writer in one of the New York papers in the last few weeks, and the heading is: "Brighter Outlook This Year for Lehigh Portland Cement." The last paragraph of the article is:

> But the company, through its persistently plowing back of a liberal part of earnings into the business, has proceeded to pay large and frequent back dividends. Since 1900, when the first stock dividend of 128 per cent was paid, a total of 519 per cent has been received in stock by shareholders in addition to the regular cash payments. The smallest stock disbursement was made in 1907, amounting to 6 per cent; and the last melon, one of 100 per cent, was cut for stockholders in 1928, with the $2.50 annual cash dividend rate then in force having since been maintained on the increased total of stock. Regular, preferred, and common payments at the prescribed rates were paid in January and February last.

Now, here you have a situation, a community of understanding, a monopolistic situation, that is coming in here and asking us to protect this district along the Atlantic seaboard.

Now, let us see about the importation of cement.

I have the figures here for the production, importation, and exportation of cement for the last 30 years. The use of cement has greatly increased within the last 10 or 15 years. It is being used more and more for building purposes, more and more for road purposes. Here we are in a state of depression. There is no question about it. We are starting out on a program of building, and the industry most depressed is agriculture. The farmers in 1921 consumed $899,000,000 worth of lumber, and in 1928 only $363,000,000 worth. Why? Because they did not have the capital to buy.

We are trying to liven things up a little and are going to build, and here comes a proposal which the gentleman who first spoke for the amendment admitted is going to increase the price of an essential building material. In 1900 the total consumption of cement in this country was 8,000,000 barrels. It gradually grew and in 1922 it was 114,000,000 barrels. In the last three years it has been over 170,000,000 barrels. In 1925 the importation of cement was a little over three and a half million barrels. Last year, 1929, the importation was 1,700,000 barrels, or 1.01 per cent of the production in this country. There was a falling off of nearly 2,000,000 barrels of importation of cement from 1925 to 1929. To be exact the imports in 1925 were 3,655,067 barrels and in 1929, 1,720,273 barrels. We have decreasing importation, and the evidence before us,

and especially before the Senate, all tended to show that these large cement companies were all paying large dividends, making a profit.

Mr. PARKER and BACHARACH rose.

Mr. RAMSEYER. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. Five minutes.

Mr. RAMSEYER. Then I ask the gentleman to hurry his questions.

Mr. BACHARACH. The gentleman was speaking about profit made by the Lehigh Portland Cement Co. That is probably accounted for by the fact that it has a plant in Iowa.

Mr. RAMSEYER. Fine, fine!

Mr. PARKER. The gentleman said the importations were 1,700,000 barrels last year.

Mr. RAMSEYER. Yes.

Mr. PARKER. Does the gentleman contend that those were used all over the United States?

Mr. RAMSEYER. Oh, no; of course, I do not. I admitted in the beginning that they are used along the Atlantic seacoast, but here we have this close community of understanding, this monopolistic arrangement among the cement companies, and the only thing we have left to keep them on their good behavior, and so that they will not boost prices on the principle of all the traffic will bear, is this little threat that is coming in of 1.01 per cent of the entire consumption. [Applause.] Withdraw that threat, and you let the monopoly in the country go the limit, on the basis of charging all that the traffic will bear. Some sport has been made about the Blease amendment. Cement ought never to have been taken off the free list. [Applause.] I would like to make a motion to put it all on the free list if the rules would permit. The Blease amendment is the only thing that we have here that will in any way keep the cement companies in this country halfway decent. They talk about not being able to administer it. We have provisions in the law that are just as indefinite as this is, where, under the general power, the Secretary of the Treasury issues regulations to govern the importations. To those of you who fear that it can not be administered I assure you I would have no objection to an amendment giving the Secretary of the Treasury power to issue proper regulations. That would be an easy matter, but the Secretary of the Treasury has that power and, of course, he will exercise that power if the Blease amendment is agreed to.

Mr. PARKER. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. How much time have I left?

The SPEAKER pro tempore. One minute.

Mr. RAMSEYER. Well, make it snappy.

Mr. PARKER. The gentleman was talking about the Blease amendment, and also he talks about the United States Steel Corporation. Does he believe that structural steel used in public buildings should come in free?

Mr. RAMSEYER. Oh, that is a question not in point.

Mr. PARKER. No; it is a fair question.

Mr. RAMSEYER. It is not; and has nothing to do with cement. The gentleman can not divert me from the cement issue. I do not yield to the gentleman further. The fundamental here is, as I said before, that cement ought to be on the free list. The only thing that we have left here to keep the cement monopoly on halfway decent behavior is the threat that comes in here, and if you do not like it this way I will agree that the gentleman may ask unanimous consent to strike out everything after the word "hydraulic" so that it may be put on the free list for private individuals as well as governmental units of the country. [Applause.]

Mr. BACHARACH. Mr. Speaker, I yield two minutes to the gentleman from New Jersey [Mr. FORT].

Mr. COLLIER. Mr. Speaker, and I yield the gentleman three minutes.

Mr. FORT. Mr. Speaker, ladies and gentlemen of the House, the gentleman from Iowa [Mr. RAMSEYER] has just concluded a very eloquent speech in favor of putting cement on the free list—a thing which it is now impossible for this House to do. We are confronted only with the choice between 6 cents and 8 cents as the rate of duty. I would prefer to vote for the 8-cent rate, but in order that there may be some assurance of some protection for an industry which radically needs it, I believe we should accept the 6-cent rate.

Last summer it was my privilege while abroad to talk with one of the leading cement manufacturers of the world, a foreigner, who tried for an hour to persuade me that we should not put a tariff on cement. When he found it useless, with a beautiful smile he said, "Well, frankly, I wish I could get one myself against Belgium," and, added that if he were in the place of the American Congress he would put on a duty to prevent Belgian importations. There is not the slightest question but that the Belgian cement industry is a threat to the cement industry of the rest of the world.

So much on the question of duty. What about the Blease amendment? First, it is absolutely and utterly unenforceable in form. If you will look at it as it is on page 266 of the bill, you will find that it provides for placing on the free list—

> Cement or cement clinker:
>
> Roman, Portland, and other hydraulic, imported by or for the use of, or for sale to, a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes.

Just what does this language do or fail to do?

First, it does not apply to any importations for the use of the Federal Government. That is left out. Any statement that free cement would come in for Government work is untrue.

Second, it applies not only to cement imported by a governmental unit but also cement imported—

> For sale to a governmental unit.

Now, what happens? In most towns they advertise for such supplies as they want. They advertise for bids for cement, for the supply of a minimum and maximum number of barrels within a given period. There will be no stock of foreign cement, tariff free, in this country, for it can not come in free unless certificated to be for public use. So all bidders will have to figure on domestic cement in case they should be called on for an early delivery. But if the delivery should be delayed in whole or in part, the successful bidder can then, if he chooses, import, under this language, the foreign cement, although he and the others have made their bids on the basis of using domestic cement. The profit, the savings on the tariff, will go, not to the municipality, but to the successful bidder for the contract to supply.

Now, gentlemen will say that there will be others who will bid on the basis of the foreign cement. If the figures of the gentleman from Iowa are correct, there will not always be foreign cement available in the market, for he says there are only 1,700,000 barrels a year coming in.

But the bidder who has got the contract can bring in the foreign cement free of duty if he chooses and can get it, and put the profit in his own pocket. The amendment is absurd unless it contains some guaranty that the tariff saving will accrue to the public body which purchases it.

I hold in my hand a document which quotes the following language spoken in the Parliament of Great Britain:

> The general contract policy of His Majesty's Government is to give a preference to the home market over foreign manufacturers. Departments are instructed to explore every possibility of obtaining home supplies before placing orders with foreign manufacturers and, generally speaking, such orders are only placed for special articles which can not be obtained in this country.

When great foreign nations, which might be powerful competitors in our markets were it not for our tariff, adopt so drastic a rule as to the purchase of home products, it would be a strange practice for us to levy tariff on all imports except those purchased for public use. Only a year or two ago I joined Members from cattle-raising States like Iowa in a protest against the use by our Army and Navy of foreign-grown meats. The identical rule should apply here. Whatever the ordinary citizen may do, our governmental agencies should buy at home. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. HAWLEY. Mr. Speaker, may I ask the status of the time?

The SPEAKER pro tempore. The gentleman from Oregon has 20 minutes remaining and the gentleman from Mississippi [Mr. COLLIER] has 19 minutes remaining.

Mr. HAWLEY. I yield two minutes to the gentleman from Pennsylvania [Mr. COYLE].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for two minutes.

Mr. COYLE. Mr. Speaker and my colleagues of the House, I am presenting to you a plea for a vote in support of that suggestion which comes from the managers for the House in response to the expressed wish for a separate vote on the cement item. I am not asking for the higher rate, because those of us who represent districts and States which produce cement are in agreement that the lower rate—that is, the 6 cents per hundred pounds rate—put into the bill in the Senate is the rate which seems advisable to accept. The advisability, as you will all realize, is a distinct move and offer made on our part in fair consideration for your good will and support for the elimination of the very difficult amendment added in the Senate, gen-

erally known as the Blease amendment. Those of us who represent cement districts frankly are offering to support the lower rate to gain from those of you who do not represent cement States or districts, but who do want to see a low tariff on cement, some cooperation in the elimination of this Blease amendment.

The Blease amendment, as perhaps you do not all know, is intended to exempt from the duty all cement which is "imported by or for the use of, or for sale to, a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes."

This Blease amendment, if it becomes a law, can not, in any event, in any way, at any point, lower the price to any farmer, but it does open the door on the seaboard both to a considerable importation, estimated at from ten to twenty million barrels annually for legitimate use in public works and probably another ten to twenty million barrels, which, while originally imported into the country for sale to some political subdivision, may ultimately find its way out of those channels and into the general channels of trade.

In any event, in order to enforce this amendment if it were enacted into law, it would be necessary to build up an additional Federal policing bureau for the purpose of determining whether cement earmarked for State, county, or city use goes ultimately into that State, county, or city use for which it has been imported free of duty.

The administrative difficulties of this provision will, I think, appeal to every one of you. The logic of its inclusion has not yet been advanced by anyone who has spoken on the subject, and since we, who represent cement-producing districts, have offered to you, who want cheap cement, the lowest of the two rates, instead of suggesting a compromise between those two rates, I think it but fair in return from you to give cooperative support in exclusion of the Blease amendment.

As historical precedent, I would cite that the Blease amendment, according to the legislative reference service of the Congressional Library, has not been paralleled in any previous tariff bill, with the single and possible exception of provisions occasionally included regarding books, statuary, and works of art destined for State or public libraries, and occasionally where imported for art educational purposes only.

Presentation copies for municipalities or State archives, where produced by American artists temporarily residing abroad, have also been occasionally exempted. But there is on record no case at any time where any Congress has exempted an ordinary bulk commodity in common use, which can not in any sense be earmarked through to its destination. There is, gentlemen, in this motion on the cement item, a resolution which can be fairly supported, both by the high-tariff advocate, and, if there be any left, even the free trader.

There are a number of things about the pending tariff bill which do not entirely suit me in their application to the industries of the district that I represent. For me, however, this cement item is the crucial one. If you are interested in the personal factor in the proposition, I would say that my prime interest in this item comes because for every thousand barrels of foreign cement that comes into the country on the Atlantic seaboard, 250 men in the Lehigh Valley in Pennsylvania lose one day's work in the cement mills and quarries; and certainly not less than 250 men in allied lines of transportation, coal mining, textile mills, paper mills also lose one day's work.

The raw material in the ground which goes into a barrel of cement is valued by the cement companies at about 1 cent per ton for the limestone and cement rock and about 3 cents per ton for the coal. All other value which is put into this commodity is put into it by virtue of the labor of man, and if the present one and one-half million barrels imported is going to be increased to from ten to twenty million barrels with the inclusion of this Blease amendment, then the man-day's work lost in my district is going to run into millions instead of thousands, as at present. This is the vital issue, the one amendment that will directly put men to work or keep them from working, and so I ask you to join with me in supporting 6 cents, the lower rate, and at the same time support with me the motion to exclude the Blease amendment. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. LEHLBACH].

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for three minutes.

Mr. LEHLBACH. Mr. Speaker, I can understand how one who vaunts himself as a protectionist, who asserts allegiance to that traditional policy of the Republican Party, can differ with his colleagues as to the proper rate of duty on a commodity, or even as to whether certain commodities are properly the subject of a tariff duty or not. But the issue here this afternoon is not whether cement shall come in free or come in at 6 cents or 8 cents. That is beyond our determination. We can only determine that it shall come in at 6 cents or at 8 cents.

The heart and soul of the doctrine of protection is that the American market should be preserved to American-grown and American-made products, made by American labor, and that inasmuch as our prosperity depends upon that doctrine, it is the patriotic duty of every citizen, whenever possible, to patronize home industries to the exclusion of foreign importations. [Applause.]

Now, what does the Blease amendment do? The Blease amendment in effect does this: It offers a pecuniary inducement to the States, counties, and municipalities along the Atlantic seaboard to import their cement instead of using the American product, and we have protectionists proposing to vote for the proposition. We urge our citizens to patronize home industries and then bribe their local governments to spurn the product of American labor and buy abroad. That is neither patriotism nor protection. I would rather be a dog and bay the moon than such a protectionist. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. COLLIER. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, the gentleman from New Jersey [Mr. LEHLBACH] had better start baying the moon right now, for this cement tariff, indeed, is something new in the theory of a protective tariff system. It is boldly proclaimed here that the tariff on cement is imposed to affect only consumers on the coast line of the country. That is not a protective tariff; that is rank sectional discrimination. There was never any such doctrine as that enunciated or followed by real protectionists. It is not disputed that the only purpose of this tariff is to increase the price of cement along the Atlantic coast. The gentleman from New Jersey [Mr. BACHARACH] frankly so stated. The gentleman from Pennsylvania [Mr. COYLE] and everyone who has spoken in support of the cement schedule has so stated. Sponsors of the cement tariff shamelessly tell Members representing farm districts that only New York will pay increased cost of cement.

Cement is not any more remote from the consumer than potatoes. The increased cost will affect every rent payer, every taxpayer, and every subway rider in the city of New York. We are building $400,000,000 worth of subways in the city of New York, and cement is a big item in subway construction. The increased cost of cement will reflect in the cost of subways. The life of a building in New York City is only 20 or 25 years. Several sections of the city of New York are now being rebuilt, a great deal of cement is used in the foundation and structure of our large buildings, and this tariff will add materially to the cost. Yet gentlemen favoring this change from the free list to 6 cents a barrel, or 100 pounds, have the audacity to come here and tell us brazenly that the sole purpose of this is to increase the price of cement in the city of New York and along the Atlantic coast line, promising no extra or increased cost elsewhere. I say right here that if this tariff becomes a law the cost of cement will increase all over the country in every city and every State and every county.

Now, with reference to the Blease amendment. I concede that the Blease amendment is novel. I concede that it is unscientific. I concede that it is faulty in its construction, but let me tell you farmers, if you want to do away with the tariff on cement and retain cement on the free list, vote for the Blease amendment, because that will do away with it. [Applause.]

The gentleman from Iowa [Mr. RAMSEYER] referred to the United States Steel Co. There is a new group going into the cement business. It is the Pennsylvania Mellon group. Here again you see the influence of the Pennsylvania tariff lobbyists.

A new Mellon group, headed by Mr. Davison, former president of the Gulf Oil Corporation, a Mellon oil company, and formerly of the Davison Coal & Coke Co., another Mellon company, has now started a plant at Neville Island, near Pittsburgh. It is a well-equipped plant which has just started. It produced 1,250,000 barrels last year. Of course, they are anxious for the opportunity to increase prices. Road construction looks good to them, and the tariff means just so much more profits to them and so much more burden to the consumer and taxpayer.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. COLLIER. I yield to the gentleman one additional minute.

Mr. LAGUARDIA. Now, if the Blease amendment is adopted, you will strike at the heart of this unnecessary and unjustifiable tariff on cement. Why, public works provide the largest market for cement. As the gentleman from Iowa [Mr. RAMSEYER] said,

the negligible amount of cement imported, only 1,700,000 barrels, is just enough to prevent exorbitant and monopolistic prices. I submit, as I said before, cement is just as near the consumer as potatoes, because it goes into the building of roads, homes, buildings, and subways. There is no justification for this tariff, and the way to get the tariff out of the way is to vote for the Blease amendment and put cement back on the free list where it belongs. [Applause.]

Mr. PERKINS. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. PERKINS. Every specification in the city of New York requires domestic cement.

Mr. LAGUARDIA. At exorbitant prices it would not, with all of the political propaganda of some cement firms.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. COLLIER. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Speaker and Members of the House, I want to discuss only the Blease amendment.

It may not be as scientifically written as some people who have spent their lives studying how to draw tariff bills so as to fool the folks might be able to draw it, but it is drawn for the purpose of giving absolute protection to the people of the municipalities and State governments of this country. [Applause.]

My State has just embarked upon a $65,000,000 road-building program. It has advertised 250 miles of highways to be built within the next few months, the bids to be let during this month, and with a 6-cent tariff it will cost $192,000 additional, and it will cost that, not for the benefit of the Treasury of the United States, but for the benefit of the cement manufacturers along the eastern seaboard. That is the entire proposition. If you defeat this amendment, you propose to tax the State of South Carolina, each municipality in the State, and each county for the privilege of building roads, constructing public buildings of every kind. It is contrary to the genius of our Government for the United States Government to tax and take out of the treasury of any State any of the money which it raises and raises properly; yet that is what this will do.

More than that, it not only does that, but it takes it out and puts it into the pocket of the manufacturers of cement; not the pocket of the United States. It may be a very nice thing to do for the manufacturer, but he seems to be getting along pretty well anyway. Certainly, when we are straining every nerve to build up our great internal improvements and to build roads which will make highways of commerce for this country, and straighten out the rough places and give people roads upon which to get their produce to market, to say that the State can tax you to lay that road, and when it does it it has to tax you so much a mile for the cement manufacturer who manufactures the cement to lay upon your road, is not right. That is the whole thing in a nutshell. And whether you take the tariff off of cement altogether or take it off by the Blease amendment merely for the municipality and State and other public activities, you should at least take the hand of the manufacturer off of the taxes of the State and the city and the county and the municipality. [Applause.]

Mr. COLLIER. Mr. Speaker, I yield four minutes to the gentleman from Oklahoma [Mr. GARBER].

Mr. GARBER of Oklahoma. Mr. Speaker and Members of the House, I regret that the short time allotted me will not permit me to yield for interruptions, and I therefore request to be permitted to proceed so that I may more fully bring to your attention the subject matter which I desire to present.

When this bill was pending before the House during the month of May, 1929, in an address then delivered I stated:

> There are certain features of the bill of which I do not approve. The rates given to building material of 25 cents per thousand on shingles, 8 cents per hundred pounds on cement, $1.25 per thousand on brick, 25 per cent ad valorem on cedar lumber, and the proposed increase of rates on sugar are wholly unjustified and without warrant of authority from the people and were not included in the purposes for which this Congress has been convened.

A brief reference to the President's message convening this Congress in special session will clearly show that the items mentioned should not be included within the limitations and restrictions of the revision proposed.

> The Government has a special mandate from the recent election—

Said President Hoover in his message to Congress. The President's interpretation of that mandate was—

> to further develop our waterways, create and empower a Federal agency to aid in the solution of farm problems and revise the agricultural tariff, including some limited changes in the industrial rates where insurmountable competition had occasioned a substantial slackening of activity during the past few years, with a consequent decrease of employment in the industry.

In the absence of a platform declaration the President was commissioned to interpret that mandate. No one had the temerity to deny on this floor the correctness of that interpretation. It voiced the opinion and expectations of the people throughout the entire country. It was accepted and approved by the distinguished Speaker of the House as the legislative program of the Hoover administration and the Republican Party.

Had the revision of the tariff in this House been limited, as the President and the Speaker requested, the items named would have been left on the free list, with the exception of sugar, which would have carried the rate in the Fordney-McCumber Act. If the revision had been limited, as the President directed, a tariff law satisfactory to the party and the country would have long since been enacted and settled conditions restored.

The loyal support of the Hoover program was the test of party loyalty. Those who opposed a limited revision were the irregulars and insurgents in the first instance, and they are such to-day. They are the ones who are directly responsible for the delay in the enactment of the pending bill and the unjustifiable rates referred to, imposing increased burdens upon agriculture. Those who insisted on a general revision are they who refused to stand by the Hoover program of limited revision. They are the ones who now seek to divert attention from their irregularity by charging those who have steadfastly stood for the Hoover program with being "pseudo Republicans." Theirs is the cry of "Stop thief!" But it will not deceive the farmers of the country nor shake their confidence in the representatives who have stood steadfastly in defense of their interests and in support of the Hoover program.

Mr. Speaker, ladies and gentlemen of the House, an increased tariff of approximately 23 cents per barrel on cement imposed by a Congress called specifically for farm relief would be ludicrous in the extreme if it were not for the increased exactions from the tax moneys of the people. It simply illustrates one of the grotesque results of the political manipulations of Grundyism.

It is incredible that anyone should seriously believe the cement industry to be in need of protection, however dramatically it may limp into our midst, swathed with figures and facts giving every indication of an early collapse.

Even the most casual and superficial survey of its activities will reveal that the industry has enjoyed a most wonderful period of development, growth, and prosperity, and can neither fairly nor decently claim injury as the result of cement importations.

CAPITAL INVESTED AND PROFITS REALIZED

With a combined capital investment of $600,000,000 no industry in the United States has expanded by leaps and bounds as has the cement industry. Out of $393,000,000, the total value of domestic production in 1929, $120,000,000 of this amount was left for profits and overhead expenses, which can not be equaled by any other industry in the United States, unless it be the steel industry.

Moody's Index reports for 1928 give a list of 45 domestic cement manufacturing establishments of sufficient importance to attract investors. Ten of these are not covered by sufficient data upon which to base any conclusions, while 35 are completely reported. Of the 35, only 2 companies report a loss, 1 of which was occasioned by the Mississippi flood, and the other is a new plant which had just begun operations. Ten plants reported only moderate profits, while 10 others, or 28 per cent of the total reported, made profits up to the expectation of business investment, and 14, or 40 per cent of the entire number, showed unusual and extraordinary profits.

The Lehigh Portland Cement Co., the largest cement company in the world, and largest also in the group of mills which is clamoring most loudly for protection, from the time of its incorporation, in 1889, until 1928, has paid dividends regularly on their common stock averaging about 6 per cent. During the same period they paid 473 per cent in common stock dividends, equal to approximately $17,750,000. In 1928 the total dividends paid were $1,125,870 on their common stock. Their cash on preferred stock for the same year was $1,537,465 and the total cash dividends $2,663,300. The preferred stock dividend was $22,517,400, the total stock dividends being $25,180,703 for 1928. All of these profits were made from production, sale, and marketing of cement exclusively.

One of the other large units, the Atlas Portland Cement Co., has regularly paid 8 per cent on their preferred stock and in some years 4 per cent on their common. They have paid in stock dividends since they have been in operation 92½ per cent.

The Whitehall Cement Co. doubled their cash dividends between 1922 and 1927, paying $4 per share in 1927, and in addi-

tion extra cash dividends of $16.50 per share in 1927, as against extra cash dividends of $3 per share in 1922.

EXPANSION OF INDUSTRY, EMPLOYMENT AND WAGES

There are more cement plants in the United States now than ever before in the history of the country, totaling 178 in 1929, as against 161 in 1927. With cement on the free list, 41 new mills have been put into operation since 1922.

As to employment, we find that where the industry employed 26,231 workers in 1921, in 1927 they were employing 36,292, an increase of 10,261 under free trade. This, in spite of the fact that cement, from the time it leaves the quarries until it is loaded for shipment, is a machine-made product, requiring less and less labor from year to year, with the addition of new labor-saving equipment.

During the same period, the amount of the pay roll of the industry increased from $34,416,000 in 1921 to $53,211,000 in 1927. In this connection, Mr. James A. Farrell, president of the United States Steel Corporation, which owns, controls, and operates the Universal Portland Cement Co., one of the largest units in the industry, stated, in an interview published in the Washington Herald of December 23, 1928:

We can meet foreign competition because we manufacture more cheaply in spite of—or perhaps because of—high wages.

GROWTH OF DOMESTIC PRODUCTION UNDER FREE TRADE

In 1922, at the time the present tariff act became effective, the domestic production of cement in the United States was 117,701,216 barrels. In 1928, six years later, domestic production had increased to 175,455,000 barrels—an increase of 57,753,784 barrels, or 45 per cent, under free trade.

Twenty-five per cent of this total production was produced and shipped out from the mills in the district which most persistently is demanding "protection."

IMPORTS

The total imports from 1923 to 1928, inclusive, were slightly under 15,000,000 barrels.

During this same period the total shipments from the American mills amounted to 950,000,000 barrels.

The imports of 1922 were 600,000 barrels and the imports for 1928, 2,278,000 barrels, or an increase of 26 per cent in imports as against a 45 per cent increase in domestic production during the same period.

The actual facts are, then, that the cement imports into the United States for 1928 were just 1½ per cent of the total production of the United States. Nor have they ever exceeded that figure.

The percentage of imports into the United States from various foreign countries for the years 1924 to 1928, inclusive, was as follows:

Percentage of total imports into the United States from various foreign countries

[Based on U. S. Department of Commerce tables]

Year	Total	Belgian		Denmark		Norway	
	Barrels	*Barrels*	*Per cent*	*Barrels*	*Per cent*	*Barrels*	*Per cent*
1924	2,011,000	1,018,000	50.64	313,000	15.56	526,000	26.14
1925	3,655,000	1,919,000	52.51	352,000	9.63	594,000	16.24
1926	3,232,000	2,407,000	74.47	415,000	12.83	47,000	1.47
1927	2,050,000	1,484,000	72.39	238,000	11.59	209,000	10.21
1928	2,278,000	1,724,000	75.67	331,000	14.55	61,000	2.68

Year	United Kingdom		Germany		France		All other countries	
	Barrels	*Per cent*	*Barrels*	*Per cent*	*Barrels*	*Per cent*	*Barrels*	*Per cent*
1924	29,000	1.43	12,000	0.58	5,000	0.27	108,000	5.37
1925	6,000	.17	20,000	.55	12,000	.34	752,000	20.57
1926	85,000	2.64	9,000	.28	74,000	2.28	195,000	6.02
1927	55,000	2.68	8,000	.37	6,000	.29	50,000	2.46
1928	97,000	4.25	9,000	.40	10,000	.43	46,000	2.02

The 2,278,000 barrels, which were delivered into the United States in 1928, were distributed at ports in the various districts and areas as follows:

Areas and ports	Imports (barrels)	Per cent of total imports
New York and Lehigh:		
Maine and New Hampshire	50,535	2.21
Massachusetts	470,340	20.64
Rhode Island	54,036	2.37
New York	222,830	9.78
Philadelphia	167,522	7.35
Southern and Gulf district (excluding Texas):		
North Carolina	177,160	7.78
South Carolina	413,055	18.13
Florida	72,806	3.20
New Orleans	15,584	.68
Texas district:		
Galveston	105,637	4.64
Sabine	6,420	.28
Southern Pacific district:		
Los Angeles	15,188	.67
San Francisco	380	.02
Northern Pacific district:		
Washington	57,479	2.52
Oregon	71,999	3.16
Territorial:		
Hawaii	37,444	1.64
Porto Rico	317,500	13.93
United States	2,278,580	

I ask you to observe the fact that of the very small amount which entered our ports, 354,944 barrels were absorbed by the territorial possessions.

MARKET FOR IMPORTED CEMENT

The market for imported cement is extremely limited. Prohibitive freight rates constitute a physical impediment to shipping it inland, consequently it never penetrates the interior farther than it can be hauled by truck, which is of no appreciable distance, in many instances not farther than the city limits and in no event more than 200 miles.

The high freight rates completely protect the American manufacturer, and for the country as a whole foreign competition does not exist. We find it confined exclusively to the seaboard markets.

EFFECT ON DOMESTIC MARKET OF SEABOARD COMPETITION

And what is the effect on our seaboard manufacturers of the competition they face in the form of this imported cement?

The figures of the Bureau of Mines show that the only districts which did not increase their production and shipments in 1927 were those located in the central part of the country, where there is no possibility of foreign competition.

In 1927 the shipments from the American mills in the North, South, Gulf, and Pacific coast districts, which meet the competition of the imported cement, were 91,448,525 barrels. This is more than half of the entire production of the United States for that year.

Of this total, the mills in Pennsylvania, New York, New Jersey, and Maryland, the district which claims to be so nearly on the verge of collapse as the result of free trade, shipped 52,187,581 barrels.

The production of one district alone, mind you, was 52,187,581 barrels as against the total imports into the United States for that year of 2,065,730 barrels, including Porto Rico and Hawaii.

Disastrous slackening of activity, is it not?

The construction of new mills throughout the country has progressed without interruption, and during the past few years new mills have been built and put into operation in Maine, Pennsylvania, Virginia, Florida, Louisiana, Texas, California, Washington, and Oregon, with production on the steady upcurve.

In the Philadelphia district alone two new mills, with a combined production of 4,000,000 barrels, have been erected and are operating 100 per cent. Four millfon barrels, if you please, is the output in one year of two new plants erected during the period in which the industry has been "suffering" from free trade, which figure is double the imports to all American ports, including the Territorial possessions.

CONSUMPTION OF CEMENT IN UNITED STATES AND USES

Greater New York City alone absorbs in excess of 12,000,000 barrels of cement annually, six times the amount of all the imports from all countries into all ports of the United States in one year.

During the year 1928 the United States consumed 175,000,000 barrels of cement, distributed approximately as follows:

Consumption of cement in United States in 1928

	Barrels	Per cent
Structural concrete: Commercial, industrial, public, and private buildings of all types, bridges, river and harbor work, dams and water-power projects, storage tanks and reservoirs, etc	60,000,000	34
Paving and highways: Roads, streets, alleys, curbs, and gutters, and concrete bases	57,000,000	32.5
Farm uses exclusively: Including products and all farm structures of concrete	30,000,000	17
Concrete products: Including building products, pipe and drain tile, and specialties, but not products used on farms	12,000,000	7
Railways: Including street railways	10,000,000	6
Miscellaneous	6,000,000	3.5
Total	175,000,000	100

Immediately cement is removed from the free list it is reasonable to anticipate an advance in selling price of the American mills to include at least the amount of the duty 23 cents per barrel.

On the basis of the 1928 consumption of cement the farmers of the country alone will pay an additional $13,800,000 for cement in the building of such common, everyday, necessary items as barn floors, hen nests, hog-feeding troughs, hog houses, troughs, cisterns, coal bins, cribs, dairy barns, fertilizer bins, footings, gate posts, garden walls and fences, incubator cellars, clothesline poles, driveways, garages, well curbs and platforms, grapevine supports, mail-box posts, manure pits, and milk-cooling tanks.

Gentlemen, I ask you, however this figure and this fact may be manipulated, is there any conceivable way in which it can be given even the semblance of farm relief?

It will be noted that 57,000,000 barrels, or very nearly one-third of this total consumption for 1928, were used by the streets and highways of the United States. Keep in mind that this was two years ago. Each year the road-building program has expanded tremendously, and it is estimated that at least a quarter of a billion dollars more will be expended for road building in 1930 than was similarly expended in 1929.

States, counties, and cities are floating bonds to raise money for a greater highway program than ever before undertaken by the taxpayers of the United States. Are we going to add new burdens to shoulders that already are overtaxed by levying a tribute upon our highways?

Reports from State highway departments to the Bureau of Public Roads show that State and local authorities plan to spend $1,601,167,455 for highway improvements in the present year. Of this vast sum it is estimated that $937,500,455 will be spent for construction and maintenance of State highways, while $663,667,000 will go into the building, replacement, or repair of local roads or bridges. Early reports indicate that 45 States will build during the next 10 months 32,532 miles of roads, an increase of 3,126 over the 1929 program.

As to maintenance, during 1930 the States will supervise the upkeep of 281,393 miles of highway, a gain of 32,381 miles of road over last year.

The demands made upon our highways by the ever-increasing droves of motor cars, which increased in numbers from 10,463,295 registered cars in 1921 to 26,500,000 in 1929—an increase of 250 per cent—have forced the road-building program upon us, and the demands of the future will be no less great.

Greater and greater will be the consumption of cement in the United States and at a greater price. The State of Maryland, already anticipating the tariff on this product, has in advance purchased a large percentage of her supply of cement for the coming year. The advance in price is a foregone conclusion.

The road-building program has been planned largely with a view to relieving the unemployment situation, and the States of greatest population and industrialization, with which this problem is the most acute, report the highest contemplated road expenditures. New York, New Jersey, and Pennsylvania, the outstanding industrial Commonwealths, plan to spend $374,835,310 on road building and maintenance during the year.

Ohio, Indiana, Illinois, Michigan, and Wisconsin, another great industrial district, closely approaches this figure, with an anticipated road expenditure of $302,696,000. While Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas rank third, with their contemplated expenditure of $236,461,727.

Along with the great road-building program of the United States comes the huge program for public buildings and improvements, likewise motivated by the desire and effort to relieve the labor situation.

The Department of Labor, being a fairly accurate authority as to the situation of unemployment, informs us that the largest percentage of unemployment in the United States exists among the building-trades unions—bricklayers, joiners, plumbers, carpenters, and others engaged in constructive building.

Yet we are asked to make the cost of building—road building, home building, public building—even more expensive by putting a tariff on cement and lumber, and thus make the cost of building even more prohibitive than now.

All this in the name of farm relief!

If cement is removed from the free list, subject to countervailing duties, it will utterly preclude further importations of this highly important and necessary commodity, and will automatically create an even stronger monopoly than already exists and which can benefit no one other than the American manufacturers who now control, and who always have controlled, over 98½ per cent of the American market. [Applause.]

Mr. COLLIER. Mr. Speaker, I yield the remainder of my time to my colleague the gentleman from Mississippi [Mr. QUIN.] [Applause.]

Mr. QUIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to insert a report.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. QUIN. Mr. Speaker, I want to brush aside some of this folderol that has been injected into this debate. No man on this floor has any excuse for misunderstanding the real facts that appear in this amendment. Of course, we can not vote for free cement under the parliamentary situation. We ought to have that right, but we do not have it. Your vote will be between 6 and 8 cents on a 100-pound barrel of cement. However, you have a chance to cast an honest vote for the American people when we vote on the Blease amendment. If your vote sustains the Senate on this amendment, it will be in the interest of the people and not a vote giving the cement industry the special privilege of robbing and plundering the people. That will be a straight vote.

My good friend from Chicago rose up and said there is no Cement Trust in Chicago. I am happy to know there is one place in the United States where men can get different bids from different companies which want to sell cement to the same community. If my good friend had gone a few hundred miles west he would have found a different situation. I hold in my hand an official report of the special committee appointed to investigate concerning the existence of a reputed Cement Trust in California, and I wish every Member from the State of California could hear me. I intend to put this report in the RECORD in connection with my remarks.

As I have said, if he had gone west we would have found a different situation, because this report shows that in the State of California all the public institutions received bids for cement in the same amount. I am putting this in the RECORD so that every person can inform himself about it. This report shows that bids to the same cent were received from the different cement concerns selling to the cities, municipalities, and counties and State of the State of California. This is a report made this year concerning an investigation made in 1929 of the Cement Trust in California, and it shows the robbing and plundering they performed on the people of the State of California.

You heard my colleague from Mississippi tell you what they were doing in his State. You heard him say what they were doing in the State of Tennessee, right where they manufacture cement. Understand me now. It is the men and women in every town, in every county, and in every State of this Union who will be plundered and robbed if you gentlemen cut out the Senate amendment, known as the Blease amendment. [Applause.] No man need to deceive himself. You are voting on whether you will permit this trust to rob the people of your States and your counties. The Blease amendment exempts from duty every pound of cement used in any public work in this country.

My State is about to spend $88,000,000 on hard-surfaced cement roads. I do not want the Cement Trust of Tennessee, Alabama, and the rest of this country to rob my people. The gentleman from Virginia [Mr. LANKFORD] said something about this bill. Does he want them to rob the people of Virginia in the building of its roads? You have a chance here to keep the people protected on every sidewalk, to keep the people protected on every street in every town and city in the country; you have a chance to keep the people protected from the long-handed plunderers in road construction in every county in the United States. Are you going to do it? This is a test of your vote and whether you will vote for the granting of a special privilege to the cement manufacturers to reach out and rob the people or whether you will vote for the interests of your constituents.

The gentleman from North Dakota [Mr. BURTNESS] wanted to know about enforcement. He ought not to display his lack of knowledge. You have in this same bill, for which the gentleman voted as it left the House, several different constructions just exactly like this. You had it on lumber, and so on. So why appear to be ignorant?

And as to what my friend from New Jersey [Mr. FORT] said; he argues in a circle, and a man of his abilities should not attempt to fool us. The Cement Trust operates in New Jersey and in Pennsylvania; it has 27 different mills. My friend from New York [Mr. PARKER] talked himself hoarse, and there are 11 cement mills in New York.

We have a chance here to protect all of the people who use the roads, who walk the sidewalks and on the paved streets. [Applause.] Are you going to give them your vote? Or are you going to give it to the men engaged in the cement industry? Are you going to give them the opportunity of reaching their sticky hands down into the pockets of the people and robbing them when they start to build roads, schoolhouses, courthouses, State capitols, or bridges for the public to ride over? [Applause.]

No matter what your views may be, here is one time you have the chance of voting for the American people. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

The report referred to follows:

SUPPLEMENTAL REPORT BY HON. HERBERT C. JONES, OF THE SPECIAL COMMITTEE APPOINTED TO INVESTIGATE CONCERNING THE EXISTENCE OF A REPUTED CEMENT TRUST—SUBMITTED TO THE SENATE OF THE STATE OF CALIFORNIA, MAY 15, 1929

Two reports have been filed by the special committee of the senate appointed to investigate the existence of a reputed cement trust in this State. Both of these reports dealt with matters incidental to or apart from the main purpose for which the committee was appointed. The first report, dated March 8, 1929, dealt with the refusal of certain witnesses to testify or produce records, and was the basis for subsequent proceedings before the Senate for contempt. These proceedings in turn were reviewed by the supreme court of the State, which upheld the jurisdiction of the Senate but discharged the witnesses upon the ground that the commitment by the senate was void because of the lack of certain averments therein. (Application of Battelle for writ of habeas corpus, 77 Cal. Dec. 663, May 14, 1929.)

The second report, dated May 14, 1929, recited that the decision of the Supreme Court was rendered too late to take further testimony before the adjournment of the Legislature, and that it was therefore impossible for the committee to compel the companies to disclose their records, for the purpose of establishing the existence or nonexistence of an illegal combination in restraint of trade.

As I was unable to attend the meetings of the committee in the second period of the session when the contempt proceedings were considered, I did not feel it would be proper for me to sign either report, and hence did not join in the reports filed by the other four members of the committee.

PURPOSE OF INVESTIGATION

This third report, which I now present, seeks to deal with the main purpose for which the committee was appointed, namely, the practice of price fixing in the cement industry. It is based upon the hearings which took place in San Francisco on January 24 and 25, 1929, and in Los Angeles on February 4, 5, and 6, 1929, at which all of the members of the committee were present.

Notice of these hearings was sent to all the cement companies in the State of whom the committee had any knowledge, namely:

California Portland Cement Co.
Riverside Portland Cement Co.
Southwestern Portland Cement Co.
Monolith Portland Cement Co.
Pacific Portland Cement Co.
Henry Cowell Lime & Cement Co.
Santa Cruz Portland Cement Co.
Yosemite Portland Cement Co.
Calaveras Cement Co.
Old Mission Cement Co.
Western Lime & Cement Co.
Nicoll & Co. (agent for foreign cement).
Wilbur-Ellis Co. (agent for foreign cement).

The procedure that was followed, both at the hearings in San Francisco and in Los Angeles, was first to hear the testimony of those officials who represent the State, the counties, the municipalities, the irrigation districts, and other public bodies that purchase cement. Thereafter the testimony of the cement companies was taken.

The main purpose for the appointment of the committee was to ascertain whether there exists uniformity of prices among cement producers, and whether this uniformity arises by reason of some agreement or understanding which would constitute an illegal combination or conspiracy.

UNIFORM BIDS TO STATE

The testimony of representatives of the State department of finance, the State purchasing department, and the highway commission, shows that there has existed uniformity of price on bids to the State over a period of many years. For the year 1927 (the last on which bids for purchasing cement for State institutions had been taken by the State previous to the hearings) the prices were identical by all northern California companies on all northern California bids, and by all southern California companies on all southern California bids. The single exception (other than San Diego) was in the case of bids for the Santa Barbara State Teachers College, where northern and southern territories apparently overlapped.

The 1927 bids for State institutions are as follows:

	Per barrel
Agnews:	
Henry Cowell Lime & Cement Co	$2.71
Calaveras Cement Co	2.71
Pacific Portland Cement Co	2.71
Santa Cruz Portland Cement Co	2.71
Yosemite Portland Cement Co	2.71
Ukiah:	
Henry Cowell Lime & Cement Co	3.35
Calaveras Cement Co	3.35
Pacific Portland Cement Co	3.35
Santa Cruz Portland Cement Co	3.35
Yosemite Portland Cement Co	3.35
Imola (Napa):	
Henry Cowell Lime & Cement Co	2.86
Calaveras Cement Co	2.86
Pacific Portland Cement Co	2.86
Santa Cruz Portland Cement Co	2.86
Yosemite Portland Cement Co	2.86
Norwalk:	
California Portland Cement Co	2.84
Monolith Portland Cement Co	2.84
Southwestern Portland Cement Co	2.84
Riverside Portland Cement Co	2.84
Stockton:	
Henry Cowell Lime & Cement Co	2.74
Calaveras Cement Co	2.74
Pacific Portland Cement Co	2.74
Santa Cruz Portland Cement Co	2.74
Yosemite Portland Cement Co	2.74
Patton:	
California Portland Cement Co	2.76
Southwestern Portland Cement Co	2.76
Riverside Portland Cement Co	2.76
Eldridge:	
Henry Cowell Lime & Cement Co	2.93
Calaveras Cement Co	2.93
Pacific Portland Cement Co	2.93
Santa Cruz Portland Cement Co	2.93
Yosemite Portland Cement Co	2.93
Yountville:	
Henry Cowell Lime & Cement Co	2.93
California Cement Co	2.93
Pacific Portland Cement Co	2.93
Santa Cruz Portland Cement Co	2.93
Yosemite Portland Cement Co	2.93
San Quentin:	
Henry Cowell Lime & Cement Co	2.90
California Cement Co	2.90
Pacific Portland Cement Co	2.90
Santa Cruz Portland Cement Co	2.90
Yosemite Portland Cement Co	2.90
Folsom:	
Henry Cowell Lime & Cement Co	3.16
Calaveras Cement Co	3.16
Pacific Portland Cement Co	3.16
Santa Cruz Portland Cement Co	3.16
Ione:	
Yosemite Portland Cement Co	3.16
Henry Cowell Lime & Cement Co	2.99
Calaveras Cement Co	2.99
Pacific Portland Cement Co	2.99
Santa Cruz Portland Cement Co	2.99
Yosemite Portland Cement Co	2.99
Ventura:	
California Portland Cement Co	3.14
Monolith Portland Cement Co	3.14
Southwestern Portland Cement Co	3.14
Riverside Portland Cement Co	3.14
Whittier:	
California Portland Cement Co	2.78
Monolith Portland Cement Co	2.78
Southwestern Portland Cement Co	2.78
Riverside Portland Cement Co	2.78
Spadra:	
California Portland Cement Co	2.78
Monolith Portland Cement Co	2.78
Southwestern Portland Cement Co	2.78
Riverside Portland Cement Co	2.78
Arcata:	
Henry Cowell Lime & Cement Co	3.28
Calaveras Cement Co	3.28
Pacific Portland Cement Co	3.28
Santa Cruz Portland Cement Co	3.28
Yosemite Portland Cement Co	3.28
Chico:	
Henry Cowell Lime & Cement Co	3.18
Calaveras Cement Co	3.18
Pacific Portland Cement Co	3.18
Santa Cruz Portland Cement Co	3.18
Yosemite Portland Cement Co	3.18
Fresno:	
Henry Cowell Lime & Cement Co	3.16
Calaveras Cement Co	3.16
Pacific Portland Cement Co	3.16
Santa Cruz Portland Cement Co	3.16
Yosemite Portland Cement Co	3.16
San Francisco:	
Henry Cowell Lime & Cement Co	2.61
Calaveras Cement Co	2.61
Pacific Portland Cement Co	2.61
Santa Cruz Portland Cement Co	2.61
Yosemite Portland Cement Co	2.61
San Jose:	
Henry Cowell Lime & Cement Co	2.69
Calaveras Cement Co	2.69
Pacific Portland Cement Co	2.69
Santa Cruz Portland Cement Co	2.69
Yosemite Portland Cement Co	2.69

	Per barrel
San Luis Obispo:	
Henry Cowell Lime & Cement Co	3.12
Calaveras Cement Co	3.12
Pacific Portland Cement Co	3.12
Santa Cruz Portland Cement Co	3.12
Yosemite Portland Cement Co	3.12
Los Angeles:	
California Portland Cement Co	2.78
Monolith Portland Cement Co	2.78
Southwestern Portland Cement Co	2.78
Riverside Portland Cement Co	2.78
San Diego:	
California Portland Cement Co	2.93
Pacific Portland Cement Co	2.94
Southwestern Portland Cement Co	2.93
Riverside Portland Cement Co	2.93
Santa Barbara:	
Henry Cowell Lime & Cement Co	3.12
Santa Cruz Portland Cement Co	3.12
Yosemite Portland Cement Co	3.12
California Portland Cement Co	3.01
Monolith Portland Cement Co	3.01
Southwestern Portland Cement Co	3.01
Riverside Portland Cement Co	3.01
Pacific Portland Cement Co	3.02
San Francisco Harbor:	
Calaveras Cement Co	2.61
Henry Cowell Lime & Cement Co	2.61
Pacific Portland Cement Co	2.61
Santa Cruz Portland Cement Co	2.61
Yosemite Portland Cement Co	2.61

(Printed transcript, pp. 11–21.)

The uniformity of these bids is evident at a glance. Not only does this hold true for the year 1927, but a study of bids made in previous years to the State purchasing department for State institutions reveals a similar uniformity. (Printed transcript, pp. 32–37.)

This uniformity of prices was such that on April 3, 1925, the State purchasing agent addressed a letter to the chief of division of purchases advising that all bids had been—

"Rejected for the reason, first, that the price * * * for the 12 months' business is not any better than the price we can secure on small lots. * * *

"Second, that the prices indicate an understanding of the cement companies as to the prices to be charged for all cement." (Printed transcript, p. 40.)

SAN FRANCISCO'S EXPERIENCE

The bids to the city of San Francisco for a period of 15 years, with only one exception in one year, were identical from all bidders. The figures furnished to the city of San Francisco from years 1913 to 1928 are as follows:

	Price per barrel	
	Car lots	Less than car lots
1913–14:		
Santa Cruz Portland Cement Co	$2.30	$2.55
Western Lime & Cement Co	2.30	2.55
Pacific Portland Cement Co	2.30	2.55
Henry Cowell Lime & Cement Co	2.30	2.55
Standard Portland Cement Co	2.30	2.55
1914–15 (names abbreviated):		
Santa Cruz	2.30	2.55
Pacific	2.30	2.55
Cowell	2.30	2.55
Standard	2.30	2.55
1915–16:		
Santa Cruz	2.30	2.55
Western	2.30	2.55
Pacific	2.30	2.55
Cowell	2.30	2.55
Standard	2.30	2.55
1916–17:		
Santa Cruz	2.30	2.55
Western	2.30	2.55
Pacific	2.30	2.55
Cowell	2.30	2.55
Standard	2.30	2.55
1917–18:		
Santa Cruz	2.30	2.55
Western	2.30	2.55
Pacific	2.30	2.55
Standard	2.30	2.55
1918–19:		
Santa Cruz	2.80	----------
Western	2.80	----------
Pacific	2.80	----------
Cowell	2.80	----------
Standard	2.80	----------
1919–20:		
Santa Cruz	3.03	3.35
Western	3.03	3.35
Pacific	3.03	3.35
Cowell	3.03	3.35
Standard	3.03	3.35
1920–21:		
Santa Cruz	3.63	4.00
Western	3.63	4.00
Pacific	3.63	4.00
Cowell	3.88	4.25
Standard	3.63	4.00
1921–22:		
Standard	$3.69	$4.20
Santa Cruz	3.69	4.20
Western	3.69	4.20
Pacific	3.69	4.20
Cowell	3.69	4.20
Standard	3.69	4.20
1922–23:		
Standard	3.03	3.55
Santa Cruz	3.03	3.55
Western	3.03	3.55
Pacific	3.03	3.55
Cowell	3.03	3.55
1923–24:		
Standard	3.03	3.55
Santa Cruz	3.03	3.55
Western	3.03	3.55
Pacific	3.03	3.55
Cowell	3.03	3.55
Oct. 1, 1924, to Dec. 31, 1924:		
Santa Cruz	3.01	----------
Cowell	3.01	----------
Old Mission	3.01	----------
Western	3.01	----------
Pacific	3.01	----------
Jan. 1, 1925, to Mar. 31, 1925:		
Santa Cruz	2.71	----------
Cowell	2.71	----------
Old Mission	2.71	----------
Western	2.71	----------
Pacific	2.71	----------
Aug. 13, 1925:		
Santa Cruz	2.71	----------
Cowell	2.71	----------
Old Mission	2.71	----------
1925–26:		
Santa Cruz	2.71	----------
Western	2.71	----------
Pacific	2.71	----------
Cowell	2.71	----------
Old Mission	2.71	----------
1926–27:		
Santa Cruz	2.71	3.20
Western	2.71	3.20
Pacific	2.71	3.20
Cowell	2.71	3.20
Old Mission	2.71	3.20
Golden Gate Atlas Materials	2.71	----------
James E. Lennon	2.71	----------
1927–28:		
Santa Cruz	2.71	3.20
Western	2.71	3.20
Pacific	2.71	3.20
Cowell	2.71	3.20
J. S. Guerin & Co	2.71	3.20
Calaveras Cement Co	2.71	3.20
Eclipse Lime & Cement Co	2.71	3.20
1928–29:		
Santa Cruz	2.71	2.81
Western	2.71	2.81
Pacific	2.71	2.81
Cowell	2.71	2.81
Yosemite	2.71	2.81
Guerin	2.71	2.81
Calaveras	2.71	2.81
Eclipse	2.71	2.81

(Printed transcript, pp. 317–321.)

EXPERIENCE OF ALL PUBLIC AGENCIES

The experience of the city of Los Angeles and of irrigation districts, counties, other municipalities, and public bodies reveals much the same identity of bids. This is indicated, as one example, by the testimony of the Los Angeles city purchasing agent, who presented the bids received by the city on 25 jobs, extending over a period from 1925 to 1929. These bids occupy 11 pages of the printed transcript and show the same practical uniformity for all 25 projects. (Ex. L. A. No. 1, transcript, pp. 396–406.)

From these bids to the State and its political subdivisions it appears that the companies made identical bids irrespective of whether they were close to the job and would have a low freight charge, or were remote from the job and would have a heavy freight charge. The purchaser was left without any choice so far as price was concerned. Therefore, the business was often awarded equally between all the companies; sometimes it was rotated; and sometimes, as one witness facetiously remarked, it was placed by drawing lots.

HOW UNIFORMITY ASSURED

The testimony showed that to obtain this uniformity one of the companies acts as the "bellwether." In northern California this "bellwether" is the Davenport plant, and in southern California the Riverside plant.

These respective plants issue printed circulars about once a month, giving the price at which cement will be delivered by them at various destinations. (Printed transcript, pp. 295, 694.) These destinations include every town of any consequence in California. These circulars

are sent out to the other cement companies and to the trade. The prices listed are computed on the base price at the Davenport plant and the Riverside plant, respectively, plus transportation to the respective towns. The base price, or "mill base" as it is called, includes cost of production and profit—that is to say, the selling price at that particular mill. (Printed transcript, p. 294 ff.)

The testimony disclosed that whenever bids were called for by the State for cement, say at San Quentin, or at the Agnews State Hospital, or at the Chico State College, the Davenport company would put in its bid in accordance with its own printed list; and all other northern California companies who bid would put in the exact figure taken from the list published by the Davenport company. (Printed transcript, p. 150.)

The same procedure prevailed in southern California. All the companies there followed the figures contained in the list published by the Riverside company as its prices for delivery at its particular destination. The price list issued by the Riverside company, on October 5, 1928, fixed its price at 258 points in southern California. (Exhibit L. A. No. 7; see reporter's transcript.)

RETAILERS COMPELLED TO CONFORM

In addition, the "bellwether" company issued a list to retailers, or dealers, which set out the price which the company felt proper for dealers to quote. The price list for dealers issued by the Riverside company on October 22, 1927, "suggested" the dealer's price at 4 cents a sack above the carload prices shown on the company's printed list. In other words, the company specified the profit that the retailer was to make. Lest any retailer have the temerity to underbid his competitor in the retail field by reducing his profit, or otherwise departing from strict uniformity of price, a warning was set forth in the circular, which warning he would have no difficulty in construing.

To give point to its suggestion the circular states:

"It is very important for this company, to its dealers and to the public generally, to maintain permanent means of distributing our cement in an efficient and businesslike manner.

"This policy provides very liberal margins and terms for dealers, and unless southern California dealers handling Riverside and Bear brands of cement are able to resell at a minimum price 4 cents per sack above our carload list prices to consumers, it would be unreasonable to consider them a safe and permanent means of distribution." (Exhibit L. A. No. 7, printed transcript, pp. 590–593.)

The cement companies testified that they were not bound by contract to follow the list price set by the "bellwether" but that they had learned by bitter experience the consequences of cutting prices, and feared the retaliation of the other companies if they started a price war. Their testimony was that their self-interest dictated that they maintain uniform prices.

"GARY DINNERS" IMPROVED UPON

The method followed by the cement companies is an advance over the day of the "Gary dinners," when a group of executives around a banquet table each vigorously protested that what he said was not to be binding but that he felt that a certain price or a certain procedure would be followed by all parties who used good judgment. This method was abandoned in 1911 in anticipation of an inquiry by the Stanley House committee, or possible adverse ruling by the courts. The Trust Problem in the United States (Eliot Jones, p. 225 ff).

The method followed by the cement companies of California, as disclosed by the committee's investigation, is the same as that followed by the coal operators in the issuance by one company of a price list which the others implicitly follow. The Anthracite Coal Combination in the United States (Eliot Jones, pp. 170–173).

COLLAPSE OF ANTITRUST LAWS

Further, they claimed that there was nothing illegal in maintaining uniform prices; that there was nothing reprehensible in uniform prices, unless such prices were unreasonable. In this they are merely taking advantage of the collapse of our State antitrust law, known as the Cartwright Act.

As first passed in the year 1907, this act outlawed all combinations for price fixing. Within two years, apparently yielding to a widespread business custom toward price fixing, that act was amended so as to outlaw price fixing only if such prices were "unreasonable." (Stat. 1909: 594.) And finally it has been declared unconstitutional in this way:

The Supreme Court of the United States, in passing upon language identical with that of the amended Cartwright Act, which had been used in a Colorado statute, held the Colorado statute unconstitutional, saying that a merchant or dealer could not be required to determine at his own hazard whether his profit was unreasonable; that the business man did not have to face the possibility of going to jail because he was wrong in his judgment as to whether his price was reasonable or not; that the statute did not specify whether a profit of 5 per cent or 10 per cent or 25 per cent or 50 per cent constituted the limit of reasonableness, and that on account of the vagueness of the expression "unreasonable profit," one could not be held responsible for guessing as to whether he was or was not violating the law. (Cline *v.* Frink Dairy Co., 274 U. S. 445.)

The history of the Federal antitrust laws (Sherman and Clayton Acts) shows a similar breakdown. Probably the net result of several decades of antitrust legislation by the Federal Government has been merely the goading of lawyers to invent bomb-proof supertrusts.

UNISON OF ACTION AND ESTABLISHED PROCEDURE

The fact that identity of bids has prevailed for so many years may be accepted as satisfactory evidence that it is an established procedure of the cement companies to maintain uniformity. Two questions now naturally arise:

1. Whether the practice is reprehensible.
2. What can be done about it.

With regard to the first question, obviously, the vice of price fixing does not lie in the fact of uniformity, but depends upon whether the consumer is compelled to pay an unfair, unreasonable, and exorbitant profit. The refusal of the cement companies to produce their books or income-tax returns, or to testify in regard to their earnings, precludes the committee from reporting on the question of whether the companies are earning unreasonable profits. The companies had the opportunity to dispel the popular impression that they are "making millions" in exorbitant profits. Their refusal to testify leaves them open to the adverse inference that they can not disprove this general belief.

DAY OF FREE COMPETITION PAST

Irrespective of whether or not it is reprehensible, price fixing exists and is increasing. Probably the most conspicuous example is the uniform price of gasoline. Distributors fix the price of milk; printers fix the price of printing.

The modern tendency is toward consolidations, mergers, and monopolies, whether in the field of production, distribution, or finance. This is the day of the branch bank, the chain store, the industrial monopoly. This development has come in spite of legislative fiat, in spite of decisions by our courts, in spite of flaying by the press. In fact, the Government itself is to-day furthering combinations. It looks with favor upon the consolidation of railroads. It is fostering associations of agricultural producers. Through the Federal Farm Board it is fixing the price of wheat. The Federal Trade Commission permits the issuance and following of price lists such as practiced by the cement companies of California. (Printed transcript, pp. 805, 968.) The day of free competition is past.

As to the second question, namely, what is to be done about this price fixing by monopolies, it is not the purpose of this report to attempt to solve this perplexing and far-reaching economic and social problem.

FIGHT LOST BY AMERICAN PEOPLE

The realization that we have entered on a new economic era can not but be viewed with serious thought. We have to recognize that with the passing of free competition the American people have lost the fight which they have been conducting for at least two generations. We have to recognize that a system, a culture, almost a civilization—that which has brought America to its present pinnacle of achievement and which has been based upon individual initiative—is being swept into the discard.

NEW PROTECTION REQUIRED

The result of the committee's investigation merely confirms a widespread feeling that the Cartwright Act is to-day not even a pitiful protection to the consumer. While economists and prosecutors still differ as to the worth of antitrust laws, the view among students is rapidly prevailing that they fail wretchedly in their avowed purpose. We seem to be compelled to face frankly the economic facts and realize that we are in an era of consolidations, price fixing, and monopolies.

The new movement toward consolidation gives inconceivable power to the monopoly; the individual consumer stands helpless before it. The public must have protection. The two forms of protection that have been most frequently counted on or advocated in the past are antitrust laws and the regulating of monopolies as public utilities. Both of these avenues of relief we now find closed. Our State antitrust law fails utterly as a protection. The attempt by the State to make the cement companies public utilities is blocked by decisions of the United States Supreme Court holding that the distributors of such commodities as gasoline and meat (and presumably cement) can not be regulated as utilities. (Wolff Packing Co. *v.* Court Indus. Rel. of Kans., 265 U. S. 522, 67 L. Ed. 1103; Williams *v.* Standard Oil Co. of La., Nov. 23, 1928, 278 U. S. 235, 73 L. Ed. 287.)

With the protection of our antitrust law swept aside and with the door to regulation as utilities closed, some other and newer protection must be found. Whatever the solution, it will have to be obtained by looking forward, not backward. The wheels of economic progress do not travel the roads of yesterday.

Whether that protection shall be in the form of some yet untried and increased governmental regulation and control, it is not my purpose to recommend. It is my purpose, however, to point out that with the establishment of monopoly some form of protection must be given to the consumer against its vast, uncontrolled, and autocratic power.

HERBERT C. JONES.

Mr. HAWLEY. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD. Mr. Speaker, ladies and gentlemen of the House, I think that this affords a fine concrete example of the value of a protective tariff. I have always contended that the protective-tariff idea is an economic proposition in which labor is more interested than capital. Seventy-five per cent of the cost that goes into the manufacture of cement is the result of labor. Twenty-five per cent represents the cost of the raw material, the major portion of which is the stone down deep in the quarry. It takes the hand of labor to dig it out; it takes the hand of labor to pulverize it; it takes the hand of labor to mix it; it takes the hand of labor to make it fit for use in construction. So I say to those here who have subscribed to the theory that we should do something to relieve the unemployment in the United States, here is a fine opportunity for all of us to show whether or not we are true to this principle.

Forty thousand workmen in the United States are to-day dependent for their livelihood and for the keep of their families upon the success of the cement factories of the United States; and if we are true Republicans and true to the policy of a protective tariff for the basic industries of this country, and if you Democrats are true to the platform to which you subscribed in the last campaign, there should not be a dissenting vote against the proposal offered by the gentleman from Oregon [Mr. HAWLEY]. [Applause.] I thank you.

Mr. HAWLEY. Mr. Speaker, I yield five minutes to the gentleman from Maine [Mr. WHITE]. [Applause.]

Mr. WHITE. Mr. Speaker and Members of the House, I must speak very briefly. I am going to illustrate what I have to say by the situation which obtains with respect to a cement plant in my own congressional district. There is in my congressional district a plant representing an investment of $3,000,000, with a capacity of 1,000,000 barrels of cement a year. This plant in the last year operated at 55 per cent of its capacity and sold to 45 per cent of its capacity. Its product found its way into the markets of the eastern seaboard, Portland, Providence, Boston, and other points along the Atlantic coast. It cost this cement plant $1.30 a barrel to make its cement which went into these markets of the East in competition with Belgian cement laid down in Portland, laid down in Boston, and laid down in Providence at $1.29 a barrel—foreign cement, Belgian cement, laid down on this Atlantic coast of ours cheaper than a cement plant in New England could produce the commodity.

Now, whatever the facts may be with respect to the United States as a whole, it is true beyond the possibility of contravention that these foreign importations of cement coming into these ports of the United States, constitute at least 30 per cent of the domestic supply of cement sold in these communities.

This gives you a clear indication of the seriousness of this foreign importation, and illustrates the force, the impact of the competition which this American industry of ours must face.

I agree with the gentleman from New York [Mr. PARKER] that this is largely a problem of the Atlantic seaboard, but if there is no harm done to the rest of the United States by the imposition of this duty—and the figures which the gentleman from New York has given, demonstrate that the people of the Middle West will suffer none at all by this duty—I see no reason why we of New England or we of the Atlantic seaboard should be denied this protection for our industry.

We have in the United States some 157 of these cement plants employing, as the gentleman from Indiana [Mr. WOOD] has said, more than 40,000 American workmen. Do you know that on the Atlantic seaboard there was sold of American production more than 18,000,000 barrels of cement in the last year, and at least 15,000,000 barrels of this cement was sold at a loss to the American manufacturers because of his efforts to meet this foreign competition.

I say to you that if you permit this foreign importation to continue, if you permit this foreign cement to come in here and drive out of business this single cement plant of New England and of Maine, and if you drive out of business the cement plants located in New York and elsewhere, then we of the Atlantic seaboard must face either the necessity of buying foreign cement altogether or the necessity of buying cement from the interior of the country, which will cost us not only the production cost but the heavy charge for the freight haul from the middle of the country to the Atlantic seaboard. There is no possible justification for subjecting us to this choice. There is no possible justification for forcing us either to buy these foreign cements or to pay this freight haul from the middle of the country to the Atlantic seaboard. Here is an opportunity to make application of the principle of protection, to which we profess loyalty. [Applause.]

The SPEAKER. The time of the gentleman from Maine has expired.

Mr. HAWLEY. Mr. Speaker, I move the previous question on the motion to recede and concur in the Senate amendment No. 195.

The SPEAKER. The gentleman from Oregon moves the previous question.

The previous question was ordered.

Mr. COLLIER. Mr. Speaker, I would like to know what the first vote will be.

The SPEAKER. The Chair will announce that the first question is on the motion of the gentleman from Oregon to recede and concur in Senate amendment 195. The second vote will be on the motion of the gentleman from Mississippi to recede and concur in the Senate amendment 893.

The first question is on the motion of the gentleman from Oregon to recede and concur in amendment 195.

The question was taken, and the motion was agreed to.

The SPEAKER. The question now is on the motion of the gentleman from Mississippi to recede and concur in Senate amendment 893.

Mr. COLLIER, Mr. CRISP, and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 222, not voting 39, as follows:

[Roll No. 30]

YEAS—167

Abernethy	Douglass, Mass.	Kendall, Ky.	Quin
Allgood	Dowell	Kerr	Ragon
Almon	Doxey	Kincheloe	Rainey, Henry T.
Andresen	Drewry	Knutson	Ramseyer
Arnold	Driver	Kopp	Ramspeck
Aswell	Edwards	Kvale	Rankin
Auf der Heide	Eslick	LaGuardia	Rayburn
Ayres	Evans, Mont.	Lambertson	Robinson
Bankhead	Frear	Langley	Romjue
Bell	Fuller	Lanham	Rutherford
Bland	Fulmer	Lankford, Ga.	Sabath
Box	Gambrill	Larsen	Sanders, Tex.
Brand, Ga.	Garber, Okla.	Lea	Sandlin
Brand, Ohio	Garrett	Linthicum	Schneider
Briggs	Gasque	Lozier	Selvig
Browne	Glover	McClintic, Okla.	Sinclair
Browning	Goldsborough	McCormack, Mass.	Somers, N. Y.
Brunner	Goodwin	McDuffie	Sparks
Buchanan	Green	McKeown	Sproul, Kans.
Busby	Greenwood	McMillan	Stafford
Campbell, Iowa	Gregory	McSwain	Steagall
Canfield	Griffin	Maas	Stevenson
Cannon	Hall, Miss.	Milligan	Summers, Wash.
Cartwright	Hall, N. Dak.	Montague	Swanson
Christgau	Hammer	Montet	Tarver
Christopherson	Hare	Moore, Ky.	Taylor, Colo.
Clague	Hastings	Moore, Va.	Thurston
Clark, N. C.	Hill, Ala.	Morehead	Underwood
Cochran, Mo.	Hoch	Nelson, Mo.	Vinson, Ga.
Collier	Hope	Nelson, Wis.	Walker
Connery	Howard	Nolan	Warren
Cooper, Tenn.	Huddleston	Norton	Welch, Calif.
Cooper, Wis.	Hull, Morton D.	O'Connor, Okla.	Whitehead
Cox	Hull, Tenn.	Oldfield	Whittington
Craddock	Hull, Wis.	Oliver, Ala.	Williams
Crisp	Jeffers	Oliver, N. Y.	Williamson
Cross	Johnson, Okla.	Palmisano	Wilson
Crosser	Johnson, S. Dak.	Parks	Wingo
Davis	Johnson, Tex.	Patman	Woodrum
DeRouen	Jones, Tex.	Patterson	Wright
Dominick	Kading	Peavey	Yon
Doughton	Kemp	Pou	

NAYS—222

Ackerman	Clancy	Evans, Calif.	Houston, Del.
Adkins	Clark, Md.	Fenn	Hudson
Aldrich	Clarke, N. Y.	Finley	Hull, William E.
Allen	Cochran, Pa.	Fisher	Igoe
Andrew	Cole	Fitzgerald	Irwin
Arentz	Colton	Fitzpatrick	Jenkins
Bacharach	Connolly	Fort	Johnson, Ind.
Bachmann	Cooke	Foss	Johnson, Nebr.
Bacon	Cooper, Ohio	Freeman	Johnson, Wash.
Baird	Corning	French	Johnston, Mo.
Barbour	Coyle	Garber, Va.	Jonas, N. C.
Beedy	Crail	Gavagan	Kahn
Beers	Cramton	Gibson	Kearns
Black	Crowther	Gifford	Kelly
Blackburn	Culkin	Golder	Kendall, Pa.
Bohn	Cullen	Granfield	Kennedy
Bolton	Dallinger	Guyer	Ketcham
Bowman	Darrow	Hadley	Kiefner
Boylan	Davenport	Hale	Kiess
Brigham	Dempsey	Hall, Ill.	Kinzer
Brumm	Denison	Hall, Ind.	Korell
Buckbee	De Priest	Halsey	Lankford, Va.
Burdick	Dickstein	Hancock	Leavitt
Burtness	Doutrich	Hardy	Lehlbach
Butler	Drane	Hartley	Letts
Byrns	Dunbar	Haugen	Lindsay
Cable	Dyer	Hawley	Luce
Campbell, Pa.	Eaton, Colo.	Hess	McClintock, Ohio
Carley	Eaton, N. J.	Hickey	McCormick, Ill.
Carter, Calif.	Elliott	Hill, Wash.	McFadden
Carter, Wyo.	Ellis	Hogg	McLaughlin
Celler	Englebright	Holaday	McLeod
Chalmers	Estep	Hooper	McReynolds
Chindblom	Esterly	Hopkins	Magrady

Manlove	Perkins	Simmons	Treadway
Mapes	Pittenger	Sloan	Tucker
Martin	Prall	Smith, Idaho	Turpin
Mead	Pratt, Harcourt J.	Smith, W. Va.	Underhill
Menges	Pratt, Ruth	Snow	Vestal
Merritt	Pritchard	Speaks	Vincent, Mich.
Michaelson	Purnell	Spearing	Wainwright
Michener	Quayle	Sproul, Ill.	Wason
Miller	Ramey, Frank M.	Stalker	Watres
Moore, Ohio	Ransley	Stobbs	Watson
Morgan	Reece	Strong, Pa.	Welsh, Pa.
Mouser	Reed, N. Y.	Sullivan, N. Y.	White
Murphy	Reid, Ill.	Swick	Whitley
Nelson, Me.	Rogers	Swing	Wigglesworth
Newhall	Sanders, N. Y.	Taber	Wolfenden
Niedringhaus	Schafer, Wis.	Taylor, Tenn.	Wolverton, N. J.
O'Connell, N. Y.	Sears	Temple	Wolverton, W. Va.
O'Connor, La.	Seger	Thatcher	Wood
O'Connor, N. Y.	Selberling	Thompson	Woodruff
Owen	Shaffer, Va.	Tilson	Wurzbach
Palmer	Short, Mo.	Timberlake	
Parker	Shott, W. Va.	Tinkham	

NOT VOTING—39

Beck	Free	Leech	Snell
Bloom	Garner	Ludlow	Stedman
Britten	Graham	Mansfield	Stone
Chase	Hoffman	Mooney	Strong, Kans.
Collins	Hudspeth	O'Connell, R. I.	Sullivan, Pa.
Curry	James	Porter	Sumners, Tex.
Dickinson	Johnson, Ill.	Rowbottom	Wyant
Douglas, Ariz.	Kunz	Shreve	Yates
Doyle	Kurtz	Simms	Zihlman
Fish	Lampert	Sirovich	

So the motion of Mr. COLLIER was rejected.

The following pairs were announced:

Mr. Garner (for) with Mr. Snell (against).
Mr. Strong of Kansas (for) with Mr. Ludlow against).
Mr. Simms (for) with Mr. Britten (against).
Mr. Mooney (for) with Mr. Shreve (against).
Mr. Lampert (for) with Mr. Porter (against).
Mr. Stedman (for) with Mr. Graham (against).
Mr. Dickinson (for) with Mr. Bloom (against).
Mr. Kunz (for) with Mr. Sirovich (against).

Additional general pairs:

Mr. Beck with Mr. Collins.
Mr. Leech with Mr. Hudspeth.
Mr. Free with Mr. Mansfield.
Mr. Johnson of Illinois with Mr. Doyle.
Mr. Wyant with Mr. O'Connell of Rhode Island.
Mr. Yates with Mr. Douglas of Arizona.
Mr. Sullivan of Pennsylvania with Mr. Curry.
Mr. Chase with Mr. Rowbottom.
Mr. Kurtz with Mr. Zihlman.
Mr. James with Mr. Hoffman.

The result of the vote was announced as above recorded.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. The House having refused to recede and concur in Senate amendment 893, is not that tantamount to the House insisting on its disagreement to the Senate amendment and another vote on the Hawley motion would be unnecessary?

The SPEAKER. The Chair thinks the vote is tantamount to the House insisting on its disagreement.

Mr. TILSON. Mr. Speaker, a parliamentary inquiry. Will it delay the messaging of the conference report if a motion to reconsider and lay on the table is not made?

The SPEAKER. The Chair thinks that that motion ought to be made as a matter of safety.

Mr. HAWLEY. Then, Mr. Speaker, I move that all the votes that have been taken to-day be reconsidered and that motion lay on the table.

The motion was agreed to.

LEAVE OF ABSENCE

Mr. BECK, by unanimous consent (at the request of Mr. DARROW) was given leave of absence on account of an injury sustained in an accident.

NAMING CRUISER NO. 32 THE "BROOKLYN"

Mr. QUAYLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the proposition of naming cruiser *No. 32* the Brooklyn.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. QUAYLE. Mr. Speaker, it is my privilege to represent the seventh congressional district of the State of New York. It is my good fortune that the seventh district is located in Brooklyn; and it is my distinction that the United States Navy Yard is located within the bounds of my particular district. These circumstances and my assignment of the past eight years to the Committee on Naval Affairs, I am sure will justify your indulgence of my brief remarks.

The United States Navy will be augmented in the near future by the addition of a new cruiser, temporarily designated as *No. 32*. I do not hesitate to say that no more fitting name than the "Brooklyn" could be selected for this vessel. It is many years now since the roster of the naval force carried that name "Brooklyn," but the honorable record of the old ship, if nothing more, would warrant perpetuating its name.

The Brooklyn Navy Yard, whose history is the history of our Nation, might well be accorded the recognition of having a naval vessel so named. The people of Brooklyn who gave without stint on every occasion of their country's call are entitled to have their city recognized in this way. And Brooklyn is a city by herself, even though the technical structure of government has incorporated her with her four sister boroughs into the great federation of the present city of New York. Such consolidation has not destroyed the individuality of Brooklyn any more than our Federal Union has destroyed the individuality of the States.

We have a population of over 2,000,000 people in Brooklyn; we have the greatest docking facilities in the world, as witness the docking of the great liners *Bremen* and *Europa*, Brooklyn's industries are greater in extent than those of many States, and include almost every kind of diversification. Newtown Creek, in the improvement of which my good friend, the gentleman from the third New York district [Mr. LINDSAY], has been so active, is the most amazing waterway in the world.

Along its tortuous course are transported barge load upon barge load of brick, cement, coal, coke, oil, lumber, and raw and manufactured goods of every kind conceivable. Its banks are lined with great oil refineries, sugar refineries, gas ovens, and innumerable other plants producing a portion of our national wealth. This is a cross section of American industry, and is repeated in other sections of our city-borough. I think no city has more churches, schools, libraries, museums, and like cultural buildings. From the beginning Brooklyn has been known as a city of homes. Brooklynites live in Brooklyn, in which they show excellent judgment.

I could give you page on page of impressive statistics, but the House has heard much of these this session. Let me rather rely on a bit of sentiment, which is not an objectionable thing at times. Old Brooklyn is always distinguished. In the Revolution her soil was sanctified by the blood of embattled patriots; in our Fort Greene Park the bones of the prison-ship martyrs rest under a fitting memorial shaft; in that period of the Civil War, when it looked for a time that our brethren of the South might win on the seas with their iron-clad *Merrimac*, out of Brooklyn sailed the *Monitor*, built in the Greenpoint section of Brooklyn, to save the day, and perhaps the war, for the Union. In the Spanish-American War the old *Brooklyn* took her place with the other ships of the line; and who can forget 1917 when our boys, our factories, our materials, and our ships, all that we had, were offered to the Nation.

Let these things be remembered forever. Let all who lived and loved in Brooklyn be honored by this graceful tribute to an old and honorable city. Hail! the U. S. S. *Brooklyn*.

THE TARIFF

Mr. PEAVEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the tariff bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PEAVEY. Mr. Speaker, the Hawley-Smoot tariff bill now before the House is, to my mind, the most unfair, unjust, and indefensible piece of legislation to come before this Congress in the past 10 years.

I am a firm supporter of the principle of a protective tariff as advocated by President Lincoln; a tariff to cover the actual difference in cost of production in this country and foreign nations. Such a tariff law protects American labor and raw products as well. This stimulates business and makes prosperity.

Not a single proponent of this bill has proved that it will raise wages or is in the interest of labor. Its whole support comes from those who would increase profits and dividends, regardless of its effect upon the Nation.

This bill is indefensible, because it is a direct violation of the promises made to agriculture in the platform of the Republican Party adopted at the Kansas City national convention in 1928. Here is the platform plank:

> The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

It is true that the Hawley-Smoot bill increases the tariff on farm products, but for every nickel the farmer will ever receive

from such tariff increases he will be required to pay out 50 cents in increased costs of everything he buys, due to the extortionate rates given industry and manufacturers in this bill.

Mr. Speaker, farmers know that the price of most farm products will not be affected by a tariff; first, because farm products like wheat and flax and cotton are sold in world markets. We export a surplus of these crops and must accept the London or Liverpool price. No effective tariff can be applied.

Tariffs on some farm products, such as milk, cream, butter, casein, and eggs, can be made effective to the extent of keeping out the small importations now coming into this country, but it is common knowledge that no tariff can be fixed that will affect a raise in price on farm products.

On the other hand, under the provisions of the Hawley-Smoot bill everything the farmer buys from a pin to a threshing machine is given from 10 to 140 per cent protection.

Particularly is this true on the articles most necessary to the ordinary family. Shoes, clothes, hats, gloves and mittens, household utensils, dishes, farm tools and machinery and equipment, even the wife's stockings and hairpins, her corsets, and children's dolls and playthings, all are protected by the new tariff bill at average rates of 25 to 50 per cent ad valorem, and the price of all these articles will go up when this bill becomes a law.

Manufactured products are now sold and distributed through organizations and trade associations which remove all the elements of price competition. Therefore the average rates of 25 to 50 per cent ad valorem placed on the things the farmer buys will for the most part be made 100 per cent effective and the farmers will pay a 25 to 50 per cent increase in price. Watch and see.

The passage of the Hawley-Smoot bill is not only a betrayal of the American farmer and the promises made to agriculture by the Republican Party, but it is a gross misuse of congressional authority. It legislates money out of the pockets of the American farmer and gives it to those who manufacture the necessities of life.

IT TAKES FROM THE POOR AND GIVES TO THE RICH

If President Hoover signs the Hawley-Smoot bill, he likewise will betray every farm owner in upper Wisconsin and the Nation, for as President he not only subscribed to the farm-relief planks in the last Republican platform but he called Congress into special session last summer to enact legislation that would place agriculture on a parity with industry and thereby made the iniquitous Hawley-Smoot bill possible. President Hoover, if he is to keep faith with the farmers of this Nation, has a solemn obligation to perform when the new tariff reaches the White House. In the interests of labor and agriculture he should veto this bill without hesitation.

Most farmers are finding it difficult now to produce enough to meet the family living costs. There is no way to increase the family income, hence most of them will be required to go without.

It will be a sad day for the future prosperity and welfare of this Nation when American fathers and mothers on the farms and in the cities are forced to cut down on the necessities of life in order to balance the family budget.

Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay.

The great issue facing us as a people to-day is the concentration of wealth in the hands of a few. Wealth carries political power and control of government. The growth of chain banks in Wisconsin, where the strongest and soundest banks in the State are rapidly being absorbed by a single institution headed by the First Wisconsin National Bank of Milwaukee, brings this lesson right to our doors. The future prosperity of the United States will depend upon the determination of the people themselves to retain control of their Government or let it pass to those who would buy. If, in the words of Lincoln, "Government of the people and by the people shall not perish from this earth," human rights and human freedom must be kept superior to the rights and privileges of property.

A tariff on any product must be effective in order to help the producer. A tariff on farm products must be effective in order to aid the farmer. A tariff can be effective only on those goods and products which come into the United States; so that on those farm products like wheat, flax, cotton, and so forth, which are shipped out of this country, a tariff is not effective; it does not do the farmer any good.

Below is a list of 12 principal commodities which farmers produce and the tariff rates fixed by the Hawley-Smoot bill as passed by the House and the estimated per cent these rates will be effective:

	Rate fixed by Hawley-Smoot bill	Estimated rate effective
		Per cent
Wheat	42 cents per bushel	None.
Corn	50 cents per hundred	None.
Oats	80 cents per hundred	None.
Barley	40 cents per hundred	None.
Butter	14 cents per pound	10
Cheese	5 to 8 cents per pound	10
Milk and cream	50 per cent ad valorem	5
Beef, veal, and pork	2 to 6 cents per pound	5
Horses and mules	20 per cent ad valorem	1
Eggs and poultry	30 per cent ad valorem	5
Fruit	do	5
Seeds, roots, bulbs, etc	25 per cent ad valorem	5

Percentage effective, about 2 per cent.

A glance at the above table will show that the rates on farm products are not effective, nor can they be made so.

On the contrary, glance at the industrial schedules where production and price are regulated and controlled alike and it will be seen that in the Hawley-Smoot tariff bill industry and organized wealth have sold the farmers another gold brick.

Twelve principal commodities which farmers buy and tariff rates fixed by the Hawley-Smoot bill as passed by the House and estimated per cent they will be effective. These rates were reduced less than 2 per cent by final passage of the tariff bill.

	Average rates of Hawley-Smoot bill	Estimated rate effective
	Per cent	*Per cent*
Earthenware and glassware	54.87	100
Steel, aluminum, etc	36.34	100
Chemicals, oils, paints	31.82	100
Manufactured wood	25.34	100
Sugar and molasses	92.36	100
Tobacco, cigars, and cigarettes	66.96	100
Wool and woolen goods	58.09	100
Rayon and rayon goods	53.43	100
Silk and silk goods	60.17	100
Books and paper	26.14	100
Machinery and equipment	36.34	100
Sundries	28.57	100

Percentage effective, 100 per cent.

The rates on virtually everything man uses, wears, eats, drinks, warms his home with, toils with, plays with, educates himself with; nearly every article produced by man in the United States, and many that are not produced here, have been raised. The cost of living is to be boosted by this bill. For every penny the farmer benefits in this bill in the way of a tariff on his products, he will pay out dollars for increased costs of the things he uses through these high rates on manufactured goods.

Consumers of muzzle-loading muskets will be pleased to learn that this article has been put on the free list.

The growth of the oleomargarine industry in the United States has become a menace to the dairy farmer. Coconut oil produced in the Philippines with cheap native labor and shipped into the United States duty free, is here manufactured into oleomargarine which sells in the American markets for about one-half of what it costs the farmer to produce butter. In 1923, 209,000,000 pounds of oleo were manufactured in the United States and sold at an average price of 21 cents. The American people consumed an average of 1.85 pounds of oleo. Coconut oil from the Philippines to the amount of 181,000,000 pounds were imported with which to manufacture this oleo.

What has happened? Importing coconut oil from the Philippines with no tariff duty, American oleo manufacturers produced 257,000,000 pounds of oleo in 1927 and sold it at an average price of 22.3 cents per pound. They brought 286,000,000 pounds of coconut oil into this country in that year without paying a duty. But the duty on the manufactured oleo is set in this bill at 14 cents per pound, so that the manufacturer of oleo buys his raw product, coconut oil, in an open market without paying a duty and sells in a protected market.

Who can produce butter and compete with 22-cent oleo? If this competition continues it will eventually mean the destruction of the dairy business.

The reason given for not putting a tariff on coconut oil is that the Philippine Islands are Territories of the United States; that a tariff can not be put on products entering this country

from its own Territories. I have always urged and supported the granting of independence to the Philippines to the end that this problem might be solved. In my judgment, the only way to put an end to this unfair competition of oleo with dairy products is to stop the importation into this country of coconut oil and copra, the raw products from which oleo is made.

In Europe the peasant farmers are kept poor through high taxes and exorbitant land rentals. In the United States the farmers' taxes are higher still and monopoly control, aided by exorbitant tariffs to enforce it, exacts from the American farmer all he can raise or earn in order to live.

Are the people of the United States going to sit by and allow organized wealth and privileged industry to reduce the farmers to peasantry?

GENERAL LEAVE TO EXTEND REMARKS

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that all Members of the House may have five legislative days after the conclusion of the conference report to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Oregon asks unanimous consent that all Members may have five legislative days in which to extend their remarks after the final determination of the conference report. Is there objection?

There was no objection.

Mr. CHINDBLOM. That will include the final vote on matters undisposed of?

The SPEAKER. The Chair thinks that it would be five days after the final disposition of all matters connected with the conference report.

MASSACHUSETTS TERCENTENARY ANNIVERSARY—AMERICAN LEGION NATIONAL CONVENTION

Mr. McCORMACK of Massachusetts. Mr. Speaker, I ask unanimous consent to include in the Appendix my remarks on the tercentenary celebration of Massachusetts Bay Colony and sundry remarks in connection with the coming American Legion convention, together with a letter which I have received in connection with that convention.

The SPEAKER. The gentleman from Massachusetts [Mr. McCORMACK] asks unanimous consent to extend his own remarks in the manner indicated. Is there objection?

There was no objection.

Mr. McCORMACK of Massachusetts. Mr. Speaker, the annual convention of the American Legion for the year of 1930 will be held in the historic city of Boston on October 6, 7, 8, and 9. At the same time Massachusetts will be celebrating the three hundredth anniversary of the settlement of Massachusetts Bay in New England, which happened in 1630, and the city of Boston and adjoining communities will be likewise celebrating the three hundredth anniversary of their establishment. The history of the Western Hemisphere and the progress of representative government and of education, borne by the taxpayers, records no more important event than the founding and establishment of what in history is known as the Massachusetts Bay Colony.

It was there that representative government as we enjoy it to-day was first experimented upon successfully; it was in Boston that the first public school in the New World was provided for and established by law. It was in Massachusetts Bay Colony that the first legislative system, comprised of two branches or bodies, each with a negative or veto upon each other, was brought into existence and experimented upon successfully, the legislative system which we enjoy to-day. In addition to the many historical places of the Colonial days are those of the days immediately preceding and during the Revolutionary War—Lexington, Concord, Bunker Hill, Dorchester Heights, the Cradle of Liberty, the spot where the Boston Tea Party took place, the scene of the Boston Massacre, and many other places where events happened that are enshrined in the hearts of Americans—all within a few miles of the city of Boston, old in history and tradition, but ever abreast with the progress of time. While some of the commemorative events in connection with the three hundredth anniversary have already taken place, the real features of the celebration will commence around July 1 and extend for several months, probably until some time in November. This anniversary presents an excellent opportunity for Americans to visit Massachusetts and its many historical places. The celebration comes at a time of the year when the attractiveness of a New England summer will be best evident. Within a few miles of Boston is the sandy beaches of what is called the South Shore, because it is to the south of Boston, and a short distance to the north of Boston is where the rocky coast line starts, called the North Shore. Desirable accommodations of all kinds are plentiful for tourists and visitors. This presents an excellent opportunity to couple vacation with a visit to historical Massachusetts.

During the coming summer, a large number of conventions will be held in Boston.

THE AMERICAN LEGION

As already stated, the American Legion convention will take place in Boston, October 6, 7, 8, and 9, 1930. A 1930 National Convention Corporation has been organized by Massachusetts legionnaires the honorary president of which is Hon. Calvin Coolidge, former President of the United States. The president of the corporation is one of the most active and well-known legionnaires in the United States, Col. Carroll J. Swan, with Judge Frank J. Good, vice president; Ralph Eastman, treasurer; Bazil B. Mulligan, clerk; Gen. Clarence R. Edwards, honorary chairman of the board of directors; and a board of directors, which is composed of some of the most prominent legionnaires and citizens of Massachusetts. The chairman of publicity, around which position is largely centered the success or nonsuccess of the convention, is Maj. Paul H. Hines, an outstanding World War veteran, holder of the distinguished-service cross, and recognized as one of the men best qualified for the position assigned to him. Complete and elaborate plans have been made by Massachusetts legionnaires, and other veteran organizations, together with the State, and its subdivisions, particularly Boston, to receive and entertain visiting legionnaires and their friends and other visitors during the convention period. I am informed that a parade is planned, which will take at least eight hours to pass in review. This indicates the spirit of enthusiasm that prevails in Massachusetts. It is the expectation that the coming convention will be the greatest that will ever be held by the American Legion.

Another indication of the enthusiasm is the sending of an ambassador by the Massachusetts department to 65 or more cities throughout the United States, conveying the special invitation of the department, the governor of the Commonwealth, Hon. Frank G. Allen; the mayor of Boston, Hon. James M. Curley; and Col. Carroll J. Swan, president of the convention corporation, to veterans and their friends to be the guests of the State, city, and of the American Legion. This voyage of good will, which started April 19, is being made by airplane, the ambassador of good will being Col. Alfred J. L. Ford, an outstanding veteran, legionnaire, citizen and prominent reporter, and the owner of several weekly papers. The pilot of the plane is Russell Boardman, known as the cowboy aviator, accompanied by a radio engineer and a mechanic.

In connection with the flight there will also be a national broadcast, the first to be made from the air. This broadcast will come from the plane while it is at an altitude of several thousand feet. The trip will cover thousands of miles, and will take about four weeks to complete. The title of the good-will airplane is the *New Arabella* (named after the *Arabella*, the vessel upon which Winthrop, the first governor of the colony, sailed to New England shores), and the trip is sponsored by the Boston Herald, one of the leading newspapers of New England. In connection with this flight and all activities relating to preparing the plans for the convention, the national headquarters of the American Legion is cooperating to its fullest extent. Within the past few days a resolution was passed by Congress authorizing the War Department to loan certain property of the Government, consisting of 20,000 cots and other equipment, to the American Legion, thereby assuring sleeping accommodations and quarters for all visiting members and their friends.

In one of the weekly bulletins sent out by Major Hines, acting for the committee, it stated:

> One note of assurance the committee wishes to convey in return [for the wonderful reception that the flight of the *New Arabella* had received to date] not that it has not always been our intention, but at this time it is especially appropriate to mention it—we aim to be true hosts and from this viewpoint one of the first rules of our committee was to the effect that during the convention week no Massachusetts legionnaire would be housed in any Boston hotel. Reservations under the rules must be made through the housing committee and this committee will provide housing for no Massachusetts legionnaire in Boston hotels.

This clearly shows that legionnaires from outside of Massachusetts will receive, as they should, first consideration. The bulletin further stated that—

> Not only in housing will this condition be carried out, but visiting legionnaires will be given precedence in parade stands and at all social functions and gatherings during the convention.

This particular bulletin concludes with the following:

> Boston, Mass., is the host. All legionnaires are guests of honor to us. They will be treated as such.

In one of the bulletins received from Major Hines it is suggested that all persons interested, particularly legionnaires, who

desire information may obtain the same by writing to Room 603, Statler Building, Boston, Mass. By writing to the National Convention Corporation, Statler Building, Boston, Mass., accommodations for visiting legionnaires will be arranged for.

The interest outside of New England in the coming convention is best indicated by a quotation from a communication from Major Hines, in which he stated—

That departments outside of New England are showing great interest in this convention is apparent at the convention headquarters. For instance, William C. Mundt, department adjutant of Illinois, visited the headquarters during the past week to discuss convention matters. Another visitor was Col. Elgan C. Robertson, of Arkansas. He greatly surprised and pleased the convention committee by his report that the Arkansas delegation was raising $150,000 with the aid of their State and business men. This delegation plans not only to engage headquarters in Boston for a display of its cotton, oil, and other products during the convention week but promises a truck parade featuring these at various stops en route to Boston and on their return to Arkansas.

Major Hines further stated that—

Prospects for entertainment of visiting legionnaires are growing daily. Reports are received of towns and cities appropriating money for the entertainment of the visitors in these places during the convention. Each city and town is arranging its own particular program.

It is very apparent that the coming convention will be the greatest ever held or that will ever be held by the American Legion. It should be the ambition of every person at some time or another to visit historic Boston, around which the history of Massachusetts and this country, to a great extent, is centered. Massachusetts and Boston welcomes every visitor as their guests. The national convention of the Legion this year will be so outstanding, coupled as it is with the tercentenary celebration, that every legionnaire who possibly can should attend and participate in what will be the greatest convention of all time for the Legion.

The following letter received from Colonel Swan shows some of the plans already prepared for the entertainment of the legionnaires and other visitors:

APRIL 21, 1930.

MY DEAR COMRADES: Boston, Massachusetts, New England, which pride themselves on their ability to entertain royally, welcome you to the twelfth annual national convention of the American Legion, to be held in Boston, October 6 to 9, inclusive, this year.

We plan at this convention to present a program of entertainment which, we hope, will surpass in variety and quality any offered in the annals of the Legion.

The outstanding events, apart from the regular Legion features, such as parade, band contest, reunions of State and war-time organizations, etc., include a stupendous aerial demonstration over the city; outboard motor races on the Charles River; a football game; a big golf tournament, offering many valuable prizes; two boxing carnivals as well as wrestling matches; a big naval display of battleships; an illuminated water festival, featuring a "night air raid" on Boston; and a sail down Boston Harbor, with a real old-fashioned New England clambake thrown in.

Open house will be held at Revere Beach (the Coney Island of New England). Then there will be an historical costume ball and pageant, special theatrical performances of war-time movies and plays, and a "grand and glorious" midnight frolic.

There will be sightseeing tours of historic Boston, with 1,000 trained guides for group tours or personal trips.

These will furnish the opportunity of a lifetime for you to climb Bunker Hill Monument, sit in Faneuil Hall, the "cradle of liberty," overlook the harbor from Dorchester Heights, see where the tea was dumped overboard at the Boston Tea Party, tread the battle fields of Concord and Lexington, gaze upon Plymouth Rock, visit the scene of the Boston Massacre, see Paul Revere's house, and a host of other historic spots where American history was made.

Such is the specified program. But in personal service we hope to show that New England hospitality surpasses your greatest expectations. We hope you will come to Boston for the convention.

Yours for the biggest convention ever,

CARROLL J. SWAN,
President 1930 National Convention Corporation.

REREFERENCE OF A BILL

Mr. DENISON. Mr. Speaker, I ask unanimous consent that Senate bill 3898, which was referred by error to the Committee on Irrigation, be re-referred to the Committee on Interstate and Foreign Commerce. I have spoken to the chairman of that committee, Mr. SMITH, and he approves of the motion.

The SPEAKER. The gentleman from Illinois [Mr. DENISON] asks unanimous consent that Senate bill 3898, which was erroneously referred to the Committee on Irrigation, be re-referred to the Committee on Interstate and Foreign Commerce. Is there objection?

Mr. CRISP. Mr. Speaker, reserving the right to object, has the gentleman from Illinois [Mr. DENISON] spoken to the minority members?

Mr. DENISON. No, I did not do that; because I did not think it was necessary. I will state to the gentleman from Georgia [Mr. CRISP] that this is a bill to authorize the construction of a dam across navigable water. There is a similar House bill, and the House bill has been referred to the Committee on Interstate and Foreign Commerce. A report is being made on that bill. The Senate passed a similar bill and by error it was referred to the Committee on Irrigation.

Mr. CRISP. I think the Committee on Interstate and Foreign Commerce has jurisdiction. I withdraw the reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT

Mr. HAWLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Friday, May 2, 1930, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, May 2, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO 3

(10 a. m.)

To amend section 79 of the Judicial Code (H. R. 10415).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To reorganize the Federal Power Commission, and to amend the Federal water power act (H. R. 11408).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To license and regulate the business of making loans in sums of $300 or less, secured or unsecured, prescribing the rate of interest and charge therefor and penalties for the violation thereof, and regulating assignments of wages and salaries when given as security for any such loans (H. R. 7628).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

432. A communication from the President of the United States, transmitting four supplemental estimates of appropriation for the Navy Department for the fiscal year ending June 30, 1930, and prior years, amounting in all to $1,325,607.61 (H. Doc. No. 373); to the Committee on Appropriations and ordered to be printed.

433. A communication from the President of the United States, transmitting two estimates of appropriations for the Navy Department for the fiscal year ending June 30, 1931, amounting in all to $175,000, together with a draft of proposed legislation, which are supplemental to the estimates transmitted in the Budget for 1931 (H. Doc. No. 374); to the Committee on Appropriations and ordered to be printed.

434. A communication from the President of the United States, transmitting a draft of proposed legislation affecting an existing appropriation of the Department of Agriculture (H. Doc. No. 375); to the Committee on Appropriations and ordered to be printed.

435. A communication from the President of the United States, transmitting a draft of proposed legislation to reappropriate $3,500,000 of the unexpended balance of the appropriation "Military and naval insurance, Veterans' Bureau, 1930, and prior years," and $800,000 of the unexpended balance of the appropriation "Salaries and expenses, Veterans' Bureau, 1930" (H. Doc. No. 376); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 2903. A bill to provide for the appointment of two additional justices of

the Supreme Court of the District of Columbia; without amendment (Rept. No. 1348). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 7926. A bill to provide for terms of the United States District Court for the Eastern District of Pennsylvania to be held at Easton, Pa.; with amendment (Rept. No. 1349). Referred to the House Calendar.

Mr. BLOOM: Committee on Foreign Affairs. H. J. Res. 311. A joint resolution for the participation of the United States in an exposition to be held at Paris, France, in 1931; with amendment (Rept. No. 1351). Referred to the Committee of the Whole House on the state of the Union.

Mr. NELSON of Wisconsin: Committee on Invalid Pensions. H. R. 12013. A bill to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases; without amendment (Rept. No. 1353). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SUTHERLAND: Committee on the Territories. H. R. 644. A bill for the relief of Casey McDannell; with amendment (Rept. No. 1347). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 6113. A bill for the relief of Gilbert Grocery Co., Lynchburg, Va.; with amendment (Rept. No. 1350). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11418) granting a pension to Sabra Osage, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Georgia: A bill (H. R. 12055) to amend section 7 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. MOORE of Virginia: A bill (H. R. 12056) providing for the waiver of trial by jury in the district courts of the United States; to the Committee on the Judiciary.

By Mr. O'CONNELL of New York: A bill (H. R. 12057) to authorize the construction and use of underground pneumatic-tube service; to the Committee on the Post Office and Post Roads.

By Mr. SWING: A bill (H. R. 12058) granting pensions to certain soldiers who served in the Moro wars in the Philippine Islands from 1903 to 1906, and for other purposes; to the Committee on Pensions.

By Mr. BACON: A bill (H. R. 12059) to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York; to the Committee on the Judiciary.

By Mr. BRAND of Georgia: A bill (H. R. 12060) to authorize the Comptroller of the Currency and the Federal Reserve Board to approve or disapprove the entry of any member bank in the Federal reserve system into group or chain banking, and for other purposes; to the Committee on Banking and Currency.

By Mr. BRUMM: A bill (H. R. 12061) to provide for a prohibition upon the importation into the United States of certain anthracite coal; to the Committee on Ways and Means.

By Mr. McFADDEN: A bill (H. R. 12062) to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate credit banks to financing institutions on bills payable and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months; to the Committee on Banking and Currency.

Also, a bill (H. R. 12063) to amend section 16 of the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. CONNERY: A bill (H. R. 12064) to incorporate the National Yeomen F; to the Committee on the District of Columbia.

By Mr. JOHNSON of South Dakota: A bill (H. R. 12065) authorizing an appropriation for the construction of officers' quarters at the United States Naval Academy, Annapolis, Md.; to the Committee on Naval Affairs.

By Mr. BACON: A bill (H. R. 12066) to amend an act entitled "Settlement of war claims act, 1928"; to the Committee on Ways and Means.

By Mr. PORTER: A bill (H. R. 12067) for compensation to the owners of the Danish motor ship *Indien* for damages sustained as the result of a collision with the United States Coast Guard cutter *Shawnee* at San Francisco on April 5, 1925; to the Committee on Foreign Affairs.

By Mr. McFADDEN: A bill (H. R. 12068) to amend section 13 of the Federal reserve act, and for other purposes; to the Committee on Banking and Currency.

By Mr. BEERS: Joint resolution (H. J. Res. 323) authorizing the printing with illustrations and binding in cloth of 120,000 copies of the Special Report on the Disease of Cattle; to the Committee on Printing.

Also, joint resolution (H. J. Res. 324) authorizing the printing with illustrations and binding in cloth of 62,000 copies of the Special Report on the Disease of the Horse; to the Committee on Printing.

By Mr. PORTER: Joint resolution (H. J. Res. 325) to provide for the payment of an indemnity to Li Ying-Ting (Li Ing Ding) for the deaths of four members of his family who were drowned as a result of a collision between a Chinese junk and a United States naval vessel and for medical and burial expenses incurred as a result of the collision; to the Committee on Foreign Affairs.

By Mr. ANDRESEN: Joint resolution (H. J. Res. 326) for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto or therein, of livestock, including poultry from a State or Territory or portion thereof where a livestock or poultry disease is found to exist, which is not covered by regulatory action of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. CABLE: Joint resolution (H. J. Res. 327) authorizing the presentation of medals to the officers and men of the Byrd Antarctic expedition; to the Committee on Coinage, Weights, and Measures.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. OLIVER of New York: Memorial of the Legislature of the State of New York, advocating the acquisition and development of that portion of the Barge Canal system of the State of New York, which formerly was the Erie and Oswego Canals; to the Committee on Rivers and Harbors.

By Mr. CULLEN: Memorial of the Legislature of the State of New York, memorializing the Federal Government to build a ship canal across the State of New York following the historic route of the Mohawk River and the Erie and Oswego Barge Canals to the head of tidewaters in the Hudson River at Troy, and to make deeper channel in such river between Troy and Albany; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 12069) granting an increase of pension to Elvira Long; to the Committee on Invalid Pensions.

By Mr. BACHMANN: A bill (H. R. 12070) granting an increase of pension to Mary E. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12071) granting an increase of pension to Hannah Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12072) for the relief of W. E. Sturgeon; to the Committee on Military Affairs.

By Mr. CONNERY: A bill (H. R. 12073) for the relief of Harold F. Jones; to the Committee on Naval Affairs.

By Mr. CRAIL: A bill (H. R. 12074) granting a pension to Mary T. Marks; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 12075) granting an increase of pension to Emma L. Ermentrout; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 12076) authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds; to the Committee on Claims.

By Mr. GAMBRILL: A bill (H. R. 12077) for the relief of P. Jean des Garennes; to the Committee on Naval Affairs.

By Mr. HALL of North Dakota: A bill (H. R. 12078) granting an increase of pension to J. E. Robinson; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 12079) granting an increase of pension to Rosa A. Keeth; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 12080) granting an increase of pension to Lovenia H. Bryne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12081) granting a pension to Jessie Murdock; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 12082) granting an increase of pension to Hannah C. Trump; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 12083) granting an increase of pension to Margaret Heiman; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12084) for the relief of W. M. Cornett; to the Committee on Claims.

By Mr. MAGRADY: A bill (H. R. 12085) granting an increase of pension to Celestia Trivelpiece; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 12086) granting an increase of pension to Amanda Mann; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 12087) granting an increase of pension to Harriet E. Sims; to the Committee on Invalid Pensions.

By Mr. PRITCHARD: A bill (H. R. 12088) for the relief of Sallie E. Hall; to the Committee on the Civil Service.

By Mr. SMITH of Idaho: A bill (H. R. 12089) granting a pension to George W. Musser; to the Committee on Pensions.

By Mr. SUTHERLAND: A bill (H. R. 12090) for the relief of William V. Perry; to the Committee on the Territories.

By Mr. WOLVERTON of West Virginia: A bill (H. R. 12091) granting an increase of pension to Anna Madden; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 12092) granting a pension to Estella Unger; to the Committee on Invalid Pensions.

By Mr. WOODRUM: A bill (H. R. 12093) for the relief of the City Developing Corporation of Roanoke, Va.; to the Committee on Claims.

By Mr. NELSON of Wisconsin: Resolution (H. Res. 215) to pay M. Katherine Reinburg $200 for extra and expert services to the Committee on Invalid Pensions; to the Committee on Accounts.

Also, resolution (H. Res. 216) to pay Amy C. Dunne $200 for extra and expert services to the Committee on Invalid Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7177. By Mr. BLACKBURN: Memorial of the Fayette County Woman's Club, signed by Frances Coleman, president, and Mrs. Charles A. Asbery, secretary, memorializing Congress to enact a law for the Federal supervision of the distribution and manufacture of motion pictures; to the Committee on Interstate and Foreign Commerce.

7178. Also, memorial of the Epworth Auxiliary of the Women's Missionary Society of Lexington, Ky., signed by Mrs. W. K. Naive, president, and Mrs. Leslie Rue, secretary, memorializing Congress to enact a statute for the Federal regulation of the production and distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

7179. By Mr. COLTON: Petition of United Indian War Veterans, urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor children of veterans of Indian wars; to the Committee on Pensions.

7180. By Mr. ENGLEBRIGHT: Petition of Sacramento Chamber of Commerce, indorsing joint service pay bill for the entire personnel of the Army, Navy, Marine Corps, Coast Guard, Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

7181. Also, petition of Southern Forestry Congress, Memphis, Tenn., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

7182. By Mr. FISHER: Petition of 101 citizens of the tenth congressional district of the State of Tennessee favoring the passage of House bill 6603, known as the Kendall 44-hour week bill, and House bill 3087, known as the Kelly bill, granting sick and annual leave to substitute employees of the Railway Mail Service, etc.; to the Committee on the Post Office and Post Roads.

7183. By Mr. HUDSON: Petition of citizens of Detroit, Mich., urging the passage of the so-called Stalker amendment, which provides that aliens shall be excluded in counting the whole number of persons in each State for apportionment of Representatives among the several States according to their respective numbers; to the Committee on the Judiciary.

7184. By Mr. LINDSAY: Petition of the Carl H. Schultz Corporation, Brooklyn, N. Y., protesting against increase of the tariff on sugar above the 2 cents per pound recommended by the Senate; to the Committee on Ways and Means.

7185. By Mr. MANLOVE: Petition of J. H. Cox, 675 Harold Avenue, and 65 other citizens of Portland, Oreg., urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7186. By Mr. OLIVER of New York: Petition of Tremont Lodge, No. 386, Independent Order of Brith Abraham, protesting against the enactment of proposed legislation providing for the registration of aliens; to the Committee on Immigration and Naturalization.

7187. By Mr. QUAYLE: Petition of Abraham & Straus Co., Brooklyn, N. Y., opposing the Vestal copyright bill; to the Committee on Patents.

7188. Also, petition of Frederick Loeser & Co. (Inc.), Brooklyn, N. Y., opposing the Vestal copyright bill; to the Committee on Patents.

7189. By Mr. WATRES: Petition of citizens of Clarks Summitt, Pa., favoring the enactment of House bill 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

SENATE

FRIDAY, *May 2, 1930*

(Legislative day of Wednesday, April 30, 1930)

The Senate met at 12 o'clock meridian in open executive session, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	Keyes	Smoot
Ashurst	Frazier	McCulloch	Steck
Baird	George	McKellar	Steiwer
Barkley	Gillett	McNary	Stephens
Bingham	Glass	Metcalf	Sullivan
Black	Glenn	Norris	Swanson
Blaine	Goldsborough	Nye	Thomas, Idaho
Blease	Gould	Oddie	Thomas, Okla.
Borah	Greene	Overman	Trammell
Bratton	Hale	Patterson	Tydings
Brock	Harris	Phipps	Vandenberg
Broussard	Harrison	Pine	Wagner
Capper	Hastings	Ransdell	Walcott
Caraway	Hatfield	Robinson, Ark.	Walsh, Mass.
Connally	Hawes	Robinson, Ind.	Walsh, Mont.
Copeland	Hayden	Robsion, Ky.	Waterman
Couzens	Hebert	Schall	Watson
Cutting	Howell	Sheppard	Wheeler
Dale	Johnson	Shipstead	
Deneen	Jones	Shortridge	
Dill	Kendrick	Simmons	

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily absent. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

ORDER FOR RECESS TO MONDAY

Mr. MCNARY. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it recess until 12 o'clock noon Monday.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIAL

As in legislative session,

The VICE PRESIDENT laid before the Senate the memorial of sundry leading Moros, being property owners residing in Mindanao and Sulu, P. I., remonstrating against the granting of independence to the Philippine Islands, if the granting of such proposed independence should include Mindanao, Sulu, and the southern islands occupied by the Moros and other non-Christian tribes, which was referred to the Committee on Territories and Insular Affairs.

Mr. SHIPSTEAD presented resolutions of the Common Council of the City of Two Harbors, Minn., favoring the passage of